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Papers relating to the foreign relations of the United States with the annual message of the president transmitted to Congress December 3, 1907. (In two parts). Part II 1907

United States Department of State

Washington, D.C.: U.S. Government Printing Office, 1907

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PAPERS RELATING TO
THE
FOREIGN RELATIONS
OF THE
UNITED STATES

WITH
THE ANNUAL MESSAGE OF THE
PRESIDENT TRANSMITTED TO
CONGRESS DECEMBER 3, 1907.

IN TWO PARTS
PART 2



WASHINGTON
GOVERNMENT PRINTING OFFICE
1910

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GUATEMALA AND HONDURAS.

No.	From and to whom.	Date.	Subject.	Page.
441	Mr. Brown to Mr. Root.....	1906. Aug. 29	Protection of Chinese in Guatemala. Submits copies of correspondence re arrest of Ramon Chan, whose complaint was transmitted to minister for foreign affairs.	590
293	Mr. Adee to Mr. Brown.....	Sept. 18	Same subject. Acknowledges his No. 441, and states Chinese nationality of Ramon Chan had not been positively ascertained.	592
512	Mr. Combs to Mr. Root.....	1907. Jan. 16	Good offices of United States and Mexico for peace in Central America. Transmits copies of telegraphic correspondence with President Bonilla.	609
516	Same to same.....	Jan. 23	Protection of Chinese in Guatemala. Reports complaint by Mingmon Sing Sang of ill treatment at hands of native policeman, his taking up the matter with chief of police, and the policeman's punishment.	592
2	Mr. Root to Mr. Córdova....	Feb. 8	Good offices of the United States and Mexico for the conservation of peace in Central America. Outlines plan for making effective the provisions of the Marblehead treaty	614
	Mr Barrios to Mr. Root (telegram).	Feb. 11	Same subject. Informs of the readiness of his government to conform to the provisions of the Marblehead treaty	615
	Mr. Roosevelt to Mr. Bonilla (telegram).	...do...	Same subject. See telegram of this date to the President of Nicaragua.	616
322	Mr. Bacon to Mr. Combs....	Feb. 12	Protection of Chinese in Guatemala. Acknowledges his No. 516, with approval.	593
	Mr. Root to Mr. Barrios (telegram).	...do...	Good offices of the United States and Mexico for the conservation of peace in Central America. Acknowledges telegram of the 12th and informs of action already taken.	617
	Mr. Bonilla to Mr. Roosevelt (telegram).	Feb. 12-13	Same subject. Acknowledges Mr. Roosevelt's telegram and outlines policy of his Government.	617
	Mr. Roosevelt to Mr. Bonilla (telegram).	Feb. 14	Same subject. Acknowledges telegram of the 11th and states that he shall be glad to render any assistance in his "power toward making out a practical solution of the interesting problem in accordance with the ideas in which we so perfectly agree."	620
	Mr. Barrios to Mr. Root (telegram).	...do....	Same subject. Quotes telegram received from the President of Nicaragua in reply to mediation proposal.	620
	Same to same (telegram)....	...do....	Same subject. Quotes telegrams received in reply to those sent by the Government of Guatemala.	621
	Same to same (telegram)....	Feb. 17	Same subject. Quotes telegrams received from the Presidents of Nicaragua, Honduras, and Salvador.	622
	Mr. Bonilla to Mr. Roosevelt (telegram).	Feb. 19	Same subject. Reports the invasion of Honduran territory by Nicaraguan troops, and states that it has been necessary for Honduras to take energetic measures to avoid a repetition of the occurrence.	624
26	Mr. Root to Mr. Bengoechea.	Feb. 20	Same subject. Incloses copy of note addressed to the chargé d'affaires of Honduras on the 8th instant, and requests that the views expressed therein be brought to the attention of his Government.	625
	Mr. Combs to Mr. Root (telegram).	Feb. 22	Same subject. States that the minister for foreign affairs of Honduras telegraphs that Nicaragua, by its invasion of Honduras, has terminated pending negotiations for pacific settlement.	626
327	Mr. Root to Mr. Brown.....	Feb. 28	Protection of Chinese in Guatemala. Incloses copy of Chinese minister's note expressing thanks for Mr. Combs's action in behalf of Chinese in Guatemala.	593

GUATEMALA AND HONDURAS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Mr. Bacon to Mr. Bengochea.	Mar. 5	The Second Peace Conference. See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.	1113
	Mr. Bacon to Mr. Cordova.	...do....	Same subject. See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.	1113
	Mr. Root to Mr. Brown (telegram).	Mar. 15	Good offices of United States and Mexico for the conservation of peace in Central America. See telegram of this date to Minister Merry.	626
	Mr. Brown to Mr. Root (telegram).	Mar. 27	Same subject. Reports that Tegucigalpa was abandoned early yesterday, precipitately, and occupied last night by the Nicaraguan and revolutionary forces. Adds that he assumed charge in the interval with aid of consuls to preserve order.	627
	Mr. Lee to Mr. Root (telegram).	Mar. 29	Same subject. Reports that Tegucigalpa was abandoned early yesterday and occupied last night by forces of Nicaragua and revolutionists. Also reports that Chargé Brown advises that he assumed charge with consuls to preserve order. Adds that official announcement has been received here that forces of Nicaragua were bombarding Amapala to-day at noon and that general complication is to be feared.	628
	Mr. Brown to Mr. Root (telegram).	Apr. 4	Same subject. Reports that the President of Guatemala, through the President of Salvador, sends him a special message expressing an earnest desire for the successful mediation for peace in Central America, and that Salvador and Nicaragua have avoided any declaration of war or formal admission of same, but a peace conference is absolutely necessary to clear the situation.	628
	Same to same (telegram)....	Apr. 11	Same subject. Reports negotiations between the Presidents of Salvador and Nicaragua for a peace conference at Amapala, and states that an American warship is desired in order that facilities may be afforded for the conference.	628
	Mr. Bacon to Mr. Brown (telegram).	Apr. 13	Same subject. Acknowledges telegram of the 11th and states that a war ship will be placed at the disposal of the two presidents.	629
	Mr. Brown to Mr. Root (telegram).	Apr. 16	Same subject. Reports that the President of Nicaragua will be unable to attend conference on account of health. That both countries will be represented by ministers for foreign affairs. Says that advices from Tegucigalpa indicate disquieting situation because of absence of recognized responsible government.	630
	Same to same (telegram)....	Apr. 19	Same subject. Reports that the Salvadorean minister for foreign affairs states that the condition of anarchy in Honduras justifies Salvador in maintaining forces on the frontier as measure of self-defense. States also that peace negotiations not yet concluded.	631
	Same to same (telegram)....	Apr. 23	Same subject. Reports peace terms agreed upon in principle, and that treaty should be signed to-day.	631
	President Davila to President Roosevelt (telegram).	...do....	Recognition of provisional government of Honduras by United States and Mexico. Advises taking possession of provisional presidency, guarantees peace, and thanks United States and Mexico for good will evidenced.	601
	Mr. Brown to Mr. Root (telegram).	Apr. 24	Good offices of the United States and Mexico for the conservation of peace in Central America. Reports that treaty of peace and amity which has been signed is similar to Marblehead treaty. Includes provision for a Central American Peace Congress in Nicaragua and a special commercial treaty between the two republics. Says mediation of the United States gratefully acknowledged by both countries.	631
	Mr. Lee to Mr. Root (telegram).	Apr. 29	Attempt on the life of the President of Guatemala. Reports that President Estrada narrowly escaped injury and death by dynamite basely exploded under his carriage.	598
	Mr. Brown to Mr. Root.....	Apr. 30	Good offices of the United States and Mexico for the conservation of peace in Central America. Transmits copy of the treaty of peace signed at Amapala Apr. 23. Refers to certain details in connection with the opening of the conference, and says that the just attitude of the United States Government is greatly appreciated. Comments upon the anticipated effects of the treaty.	632
	Mr. Root to Mr. Lee (telegram).	May 1	Attempt on the life of the President of Guatemala. "Congratulate President Estrada in name of President and Government on his escape."	598

GUATEMALA AND HONDURAS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
10	Mr. Brown to Mr. Root.....	1907. May 12	Same subject. Transmits copy and translation of President Cabrera's reply to his message of congratulation on escape of latter from death by bomb exploded under carriage.	599
43	Same to same.....	June 11	Impressment of aliens into the military service of Guatemala. Submits copies of correspondence re protection of Americans from military exactions in consular district of Livingston.	589
	Mr. Ugarte to Mr. Adee.....	July 4	Recognition of provisional government of Honduras by United States and Mexico. States his call at department having accomplished nothing, he submits in writing that: 1, Davila government is recognized in Honduras and neighboring countries; 2, no internal disturbances exist; 3, Government will maintain strict neutrality in Central American difficulties; and 4, desires aid of United States to maintain stable conditions of business and commerce. Gives his address in New York City.	601
	.....	July 9	Convention between the United States and Guatemala for the reciprocal protection of patents. Text of.	599
	Mr. Ugarte to Mr. Adee.....	Aug. 8	Recognition of provisional government of Honduras by United States and Mexico. Quotes telegram from foreign office, stating constitution effective Sept. 15, elections called for October; and from letter from Puerto Cortes, stating prominent citizens agreed on Davila and Gutierrez; and hopes American Government will see no objection to recognizing provisional government.	603
140	Mr. Adee to Mr. Lee.....	Aug. 13	Impressment of aliens into the military service of Guatemala. Acknowledges No. 43, and states that his instruction to Consular Agent Reed was a little too broad, inasmuch as foreign governments are allowed to traverse evidence of a passport, although this Government has on several occasions emphasized its right to decide who are entitled to the protection of its passport.	590
	Mr. Ugarte to Mr. Root.....	Aug. 18	Further good offices of the United States and Mexico for the conservation of peace in Central America. States that he has been instructed by his Government to solicit of the American Government the support necessary for the maintenance of the neutrality of Honduras in the possible war that is now expected to take place between Salvador and Nicaragua.	636
1	Mr. Adee to Mr. Ugarte.....	Aug. 23	Recognition of provisional government of Honduras by United States and Mexico. Refers to foreign minister's note of June 1, and Mr. Ugarte's of the 8th instant, states President's determination to recognize Davila government, to receive Mr. Ugarte as minister, and notes Honduran intention to remain neutral on Central American pending questions.	605
	Mr. Adee to Mr. Fiallas.....	...do....	Same subject. Acknowledges note of June 1, states President has directed recognition of Davila government, which government will be notified through Minister Lee. Adds that the department meanwhile will treat with Mr. Ugarte.	605
	Mr. Adee to Mr. Lee (telegram).	...do....	Same subject. States President has directed recognition of Davila government, will receive Mr. Ugarte as minister, and that Mr. Lee will ad interim represent United States to Honduras.	606
	Mr. Roosevelt to Mr. Cabrera (telegram).	Aug. 28	Further good offices of the United States and Mexico for the conservation of peace in Central America. Expresses regret that information received indicates the imminence of disturbance of peace in Central America. Says that he is ready earnestly to cooperate with the President of Mexico in the cause of peace, and asks that His Excellency aid in the realization of this friendly purpose by refraining from any action tending to increase the dangers of the situation pending the peaceful methods of diplomacy.	638
	Mr. Roosevelt to Mr. Davila.....	...do....	Same subject. See telegram of Aug. 28 to President of Guatemala.	638
	Mr. Davila to Mr. Roosevelt (telegram).	Aug. 30	Same subject. In response to the President's telegram of yesterday's date, says that his Government very gladly accepts the offer of the friendly offices of the United States to attain the important result of establishing lasting peace in Central America. Says that he has replied in a like sense to the President of Mexico.	640

GUATEMALA AND HONDURAS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Cabrera to Mr. Roosevelt (telegram).	1907. Aug. 30	Same subject. Acknowledges the President's telegram, which conforms with his opinion, and says that he is to-day addressing himself to all the Presidents of the Central American States, expressing the hope that they will accept the conference and thus reward Mr. Roosevelt for the generous initiative he has taken for peace in Central America.	641
30	Mr. Herrarte to Mr. Adee...	Sept. 6	Same subject. States that he is in receipt of a cablegram from the minister of foreign relations of Guatemala in which he expresses the desire of his Government that the Central American Peace Conference be held in Washington, and as soon as possible.	642
	Mr. Adee to Mr. Lee (telegram).	Sept. 8	Same subject. Informs him that the good feeling of the President of Guatemala is highly appreciated. Says there is a disposition among Central American ministers in Washington for a preliminary protocol looking to a conference toward the end of October, and engaging in meantime to maintain pacific attitude. Adds the hope that Minister of Guatemala will be authorized thereto, if not already authorized. Says the protocol may conveniently name place of meeting.	642
	Mr. Ugarte to Mr. Adee.....	Sept. 16	Recognition of provisional government of Honduras by United States and Mexico. Announces constitutional régime reestablished in Honduras on Sept. 15, 1907.	606
	Mr. Adee to Mr. Lee (telegram).	Sept. 17	Further good offices of the United States and Mexico for the conservation of peace in Central America. Informs him that Central American peace protocol signed by five ministers provides for full conference at Washington early in November, and stipulates peaceable attitude in meantime. Adds that Presidents of United States and Mexico will extend formal invitation to each Central American State in few days.	646
	Mr. Ugarte to Mr. Adee.....	Sept. 19	Same subject. Transmits resolution adopted at second session of Preliminary Central American Conference held in Washington and requests that President Roosevelt be acquainted with resolution.	646
	Mr. Roosevelt to Mr. Cabrera (telegram).	Sept. 21	Same subject. Refers with gratification to his response to telegram of Aug. 28, expresses satisfaction that the friendly proposal of himself and President of Mexico has his unqualified acceptance and that of his Central American colleagues. Concurrently with the President of Mexico invites him to name representative to meet representatives of other Central American Republics in a formal conference in the city of Washington in November to discuss the steps to be taken for the adjustment of any differences existing among said Republics.	648
	Mr. Roosevelt to Mr. Dávila (telegram).	...do....	Same subject. See telegram of Sept. 21, 1907, from President Roosevelt to President Cabrera.	648
	Mr. Dávila to Mr. Roosevelt (telegram).	Sept. 22	Same subject. Acknowledges telegram of 21st, and accepts with pleasure invitation to participate in conference to be held in Washington, and says representatives of Honduras will be appointed immediately.	649
	Mr. Fiallos to Mr. Root (telegram).	Sept. 25	Same subject. Requests that the United States Government be represented in the Central American Peace Conference to be held in Washington in November.	651
	Mr. Cabrera to Mr. Roosevelt.	Sept. 26	Same subject. Acknowledges telegram of 21st, and says Guatemala will be glad to take part in the Washington conference in November next, and will, in good time, appoint its delegates to the conference.	650
	Mr. Dávila to Mr. Roosevelt (telegram).	...do....	Same subject. Requests that the United States Government be represented in the Central American peace conference to be held in Washington in November.	652
	Mr. Adee to Mr. Ugarte.....	Sept. 28	Same subject. Acknowledges note of the 19th, and informs him that copy of his letter has been sent to the President.	652
	Mr. Bacon to Mr. Fiallos (telegram).	Oct. 2	Same subject. Says message of Sept. 25 highly appreciated. Informs him that the attendance of a representative of the President of the United States concurrently with one named by President of Mexico will be most agreeable to this Government.	652

GUATEMALA AND HONDURAS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Mr. Bacon to Mr. Ugarte....	Oct. 2	Same subject. See note of Oct. 2, 1907, from the acting Secretary of State to the Costa Rican minister.	653
	Mr. Bacon to Mr. Herrarte....	...do.....	Same subject. See note of Oct. 2, 1907, from the acting Secretary of State to the Costa Rican minister.	653
	Mr. Cabrera to Mr. Roosevelt (telegram).	Oct. 9	Same subject. Invites the President to name his representatives to the conference to meet in Washington in November in order that they may extend their impartial good offices toward achieving the purposes of the said conference.	654
	Mr. Roosevelt to Mr. Cabrera (telegram).	Oct. 10	Same subject. Acknowledges telegram of the 5th instant, and expresses hope for beneficial results from approaching conference, at which a representative of the United States will attend conformably with protocol and request of five republics.	654
5	Mr. Root to Mr. Ugarte.....	Nov. 9	Same subject. See note No. 72, of Nov. 9, 1907, from Mr. Root to the Costa Rican minister.	658
12	Mr. Root to Mr. Herrarte....	...do.....	Same subject. See note No. 72 of Nov. 9, 1907, from Mr. Root to the Costa Rican minister.	658
	Mr. Root to Mr. Jaurequi, Mr. Oceana, and Mr. Herrarte.	Nov. 11	Same subject. See note of Nov. 11, 1907, from Mr. Root to Mr. Godoy.	659
	Mr. Root to Mr. Ugarte, Mr. Bonilla, and Mr. Piallos.	...do.....	Same subject. See note of Nov. 11, 1907, from Mr. Root to Mr. Godoy.	659
	Mr. Dávila to Mr. Roosevelt (telegram).	Nov. 12	Same subject. States that at the initiative of the Presidents of Salvador and Nicaragua there was held at Amapala on the 6th instant a conference with the President of Honduras, and that it was agreed to consider all differences among the Governments represented at an end. Says he believes this will contribute to success of forthcoming conference in Washington, and to the holding of a peace conference with Guatemala and Costa Rica at the close of the Washington conference.	660
	Mr. Herrarte to Mr. Root (telegram).	Nov. 14	Same subject. Telegram from the minister for foreign affairs of Guatemala containing his answer to Nicaragua and Honduras regarding the Amapala conference, which was handed by Mr. Herrarte to the Secretary of State for his information.	661
	Mr. Roosevelt to Mr. Dávila (telegram).	Nov. 16	Same subject. Acknowledges telegram of the 13th instant, reporting the friendly conference at Amapala, and assures him of the cordial appreciation of the Government and people of the United States of anything tending to develop mutually beneficial conditions in the Central American States.	661
42	Mr. Sands to Mr. Root.....	Dec. 6	Protection of Chinese in Guatemala. Transmits copy of petition from Chinese in Guatemala to Sir Chentung re Guatemalan exclusion laws, which action was taken by them upon his advice.	593
45	Same to same.....	Dec. 13	Same subject. Refers to No. 42, incloses copies of presidential decrees since 1896, and calls attention to last decree which excludes Chinese once leaving country. States delegation of Chinese merchants requested his assistance, and was advised by him to forward their petition to Chinese minister in Washington, after consultation with Guatemalan foreign office, which was followed.	594
51	Same to same.....	Dec. 21	Same subject. Refers to Nos. 42 and 45, and states that request having been made for the entry of a Chinese properly provided with documents, he made representations to the foreign office in his behalf, but was informed the recent decree must be considered as retroactive; Chinese colony so informed.	597
	Mr. Barrios to Mr. Root (telegram).	...do.....	Further good offices of the United States and Mexico for the conservation of peace in Central America. Expresses the thanks of the people and Government of Guatemala to the Government of the United States for the effective service it has lent to the cause of peace in Central America.	663
	Mr. Root to Mr. Barrios (telegram).	Dec. 23	Same subject. Acknowledges telegram of the 21st, expresses gratification, and reciprocates congratulation to him and the people and Government of Guatemala upon the highminded and patriotic course followed by his Government and its worthy representatives in the recent peace conference of the Central American Republics.	664
	Mr. Root to Mr. Sands.....	Dec. 26	Protection of Chinese in Guatemala. Acknowledges No. 42, and states that petition inclosed has been forwarded to Chinese legation.	594
78	Mr. Bacon to Mr. Sands.....	1908. Feb. 3	Same subject. Acknowledges his No. 51, re Guatemalan Government's refusal to allow a Chinese merchant to land, and approves his action.	598

HAITI.

No.	From and to whom.	Date.	Subject.	Page.
132	Mr. Furniss to Mr. Root.....	1907. Jan. 15	Ill treatment of David A. Backer by Haitian soldiers. Incloses copy of letter from Mr. Backer, an American citizen, who alleges that he was beaten and otherwise maltreated by certain Haitian officers. Recites facts.	742
55	Mr. Root to Mr. Furniss.....	Feb. 1	Same subject. Approves action reported and states that while the department does not call in question the duty of persons residing in Haiti to comply with the provisions of the laws concerning corvee, it must insist that American citizens residing in Haiti shall be subjected to the legal punishment for violation of a provision of law and that the violation of such law shall be established in an appropriate proceeding. Adds that flogging by Haitian soldiers under command of a Haitian officer can not be considered due process of law or due punishment for violation of law, and directs him to inform the minister for foreign affairs that such conduct on the part of Haitian officials will not be tolerated.	744
	Mr. Furniss to Mr. Root (telegram).	Mar. 2	Enforcement of the Haitian tax law of 1876. Reports that the Haitian authorities have announced that they will at once enforce the law of 1876, which will have the effect of driving all foreign merchants from Haiti. Outlines action contemplated by foreign ministers in Haiti.	728
165	Same to same.....	do.....	Same subject. Outlines at length the provisions and effects of the law of 1876.	728
	Same to same (telegram)....	Mar. 5	Same subject. States that numerous foreign firms—4 of them American—have been cited for prosecution on the 7th instant, and that prompt action is absolutely necessary. Adds that unless otherwise instructed he will enter protest tomorrow.	731
	Mr. Root to Mr. Furniss (telegram).	do.....	Same subject. Instructs him as to the course he should adopt if the law of 1876 is enforced.	731
	Mr. Bacon to Mr. Leger.....	do.....	The Second Peace Conference. (See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.)	1113
	Mr. Furniss to Mr. Root (telegram).	Mar. 6	Enforcement of the Haitian tax law of 1876. Briefly recited provisions of the law.	731
	Mr. Root to Mr. Furniss (telegram).	Mar. 7	Same subject. Directs him to take no action beyond the protest authorized in the department's cable of Mar. 5 until further instructed.	732
171	Mr. Furniss to Mr. Root.....	Mar. 8	Same subject. Reports in regard to action taken and incloses correspondence had with the minister for foreign affairs.	732
	Same to same (telegram)....	Mar. 9	Same subject. Reports that from present appearances the law of 1876 will not be enforced.	737
174	Same to same.....	Mar. 13	Same subject. Incloses further correspondence had with the minister for foreign affairs.	737
176	Same to same.....	Mar. 14	Same subject. Incloses copy of answer of minister of foreign affairs to protest of foreign representatives in Haiti, and copy of their reply wherein they accept the incident as closed.	739
65	Mr. Bacon to Mr. Furniss...	Mar. 30	Same subject. States that it is not seen that any right which this Government has, in the absence of treaty, would be prejudiced if Americans individually had taken out retail licenses on the same footing as other foreigners, provided that no formal engagement in that regard between the legation and the Haitian Government shall appear.	740
67	Same to same.....	Apr. 1	Same subject. Acknowledges No. 171, and calls attention to the minister's No. 148 to the Haitian foreign office in which he stated that he protested against a measure "so unfriendly to foreigners in general and American firms in particular." States that it was the department's purpose in drawing up its telegram of the 5th ultimo to exclude any protest from him in behalf of foreigners, and that to prevent entangling alliances American interests were separated from foreign interests. Directs him to bear this in mind in future cases.	740
243	Mr. Furniss to Mr. Root.....	Sept. 23	Same subject. Incloses copy of a law regulating the collection of license fees, etc., for the fiscal year Oct., 1907, to Sept., 1908.	741

ITALY.

No.	From and to whom.	Date.	Subject.	Page.
429	Mr. Bacon to Mr. Mayor.....	1907. Jan. 5	Destruction of tobacco belonging to the Italian Government. Quotes letter of the 13th ultimo received from the governor of Tennessee stating that every precaution was being taken to prevent violations of the laws of that State.	745
433	Same to same.....	Jan. 10	Same subject. Informs him of the receipt of a letter from the governor of Kentucky stating that the courts and officers of that State were doing all in their power to prevent any recurrence of such acts and to punish those who may have been guilty of any violations of the law.	746
	Mr. White to Mr. Root (telegram).	Jan. 12	The Second Peace Conference. Reports conversation with minister for foreign affairs as to feeling in Rome respecting discussion of disarmament question at The Hague.	1100
	Mr. Root to Mr. White (telegram).	Jan. 15	Same subject. See telegram of Jan. 15, 1907, to Mr. Tower.	1099
	Mr. Root to Mr. White.....	Jan. 30	Regulations for preventing collision at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
	Mr. White to Mr. Root (telegram).	Mar. 1	The Second Peace Conference. Reports conversation with Professor Martens relative to the attitude of Russia as to the discussion of the question of disarmament at The Hague Conference, and says he urges that the United States, or whatever nation intends introducing that subject or the Drago doctrine, send draft of proposal to the Russian Government at an early date in order that the delegates to the conference may be prepared for its serious consideration.	1102
863	Mr. Mayor to Mr. Root.....	Mar. 26	Same subject. Gives the views of the Italian Government on the question of the reduction of armaments to be brought before the forthcoming conference at The Hague, and sets forth certain proposals of the Italian minister for foreign affairs in case the English proposals should encounter difficulties in the conference.	1104
	Mr. Griscom to Mr. Root (telegram).	Apr. 6	Same subject. Says that the Italian minister for foreign affairs has told him informally that the Italian delegates to The Hague Conference would neither take part in the discussion nor vote on the question of limitation of armaments.	1106
460	Mr. Root to Mr. Mayor.....	Apr. 11	Same subject. Acknowledges his note of the 5th instant, comments on the proposals of the Italian minister for foreign affairs, and says if difficulties should arise in the conference that these proposals could with entire appropriateness be brought forward and that the Government of the United States would offer no objections to such a course, but would feel at liberty to bring forward counter proposals to a like end if occasion offered.	1106
53	Mr. Griscom to Mr. Root....	Apr. 29	Consular jurisdiction over estates. Incloses copy of a decision rendered by the supreme court of cassation of Rome in a case which arose between Mr. de Castro, consul-general of the United States, and a Mrs. Rebecca Dawes Rose. Recites circumstances of the case.	750
91	Same to same.....	June 18	Denunciation of treaties between Brazil and certain other powers. States that he is informed that Brazil has denounced the agreement entered into with Belgium, France, Germany, Portugal, Spain, Switzerland, and Italy in regard to the powers of foreign consuls in Brazil, thus leaving the property of deceased foreigners in Brazil entirely at the mercy of the local authorities.	117
	Mr. Adee to Mr. Montagne..	Aug. 23	Renunciation of extraterritorial rights in Zanzibar. Replies to note of 19th and incloses copies of correspondence with British embassy, also copy of treaty between United States and Zanzibar.	575
167	Mr. Griscom to Mr. Root....	Sept. 12	Declaration made between Italy and Denmark for the protection of designs and industrial models. Reports the signing of at Rome on Mar. 3, last.	745
	Mr. Montagne to Mr. Root...	Oct. 4	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Requests that the certificates issued by the Italian chambers of commerce relative to the value of merchandise for export be accepted by the competent American authorities as valid evidence and on the terms granted to the German chambers of commerce under the German-American commercial agreement.	501

ITALY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
88	Mr. Bacon to Mr. Griscom ..	1907. Oct. 7	Denunciation of treaties between Brazil and certain other powers. Acknowledges No. 91 and says that there is no consular convention in force between the United States and Brazil, as this Government declined to make an arrangement such as that referred to. States that as a matter of fact our consuls have not been able to exercise any jurisdiction in connection with the settlement of such estates.	118
453	Mr. Adee to Mr. Montagne..	Oct. 17	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Acknowledges note of Oct. 4, and informs him that the question of the acceptance by the appraising officers of the United States of certificates of value issued by Italian chambers of commerce has been referred to the Treasury Department.	502
552	Mr. Root to Mr. Montagne...	Nov. 2	Same subject. Refers to his note of Oct. 4 and informs him that the appraising officers of the United States have been instructed that the provisions of the diplomatic note annexed to the German-American commercial agreement have been extended to the Italian chambers of commerce.	502
218	Mr. Hitt to Mr. Root.....	Nov. 20	Commercial and navigation treaty between Italy and Russia. Reports in regard to the provisions of the treaty.	748
	Memorandum from the Italian embassy.	Dec. 9	Destruction of tobacco belonging to the Italian Government. Reports the destruction at Hopkinsville, Ky., of tobacco belonging to the Italian Government, and invokes protection for the factories holding tobacco purchased by the Italian Government, a list of which is given.	746
	Memorandum to the Italian embassy.	Dec. 20	Same subject. Acknowledges memorandum, which has been communicated to the governor of Kentucky, and expresses hope that the measures taken may be entirely effective.	747
	Same to same.....	Dec. 23	Same subject. Communicates substance of letter received from the governor of Kentucky, in which it is stated that it is believed that there is now no danger of a recurrence of the disturbances referred to. Adds that a careful investigation has been ordered.	748
252	Mr. Griscom to Mr. Root....	1908. Jan. 3	Commercial and navigation treaty between Italy and Russia. Transmits copies of the Official Gazette containing text of the treaty.	750

JAPAN.

131	Mr. Wright to Mr. Root....	1906. Dec. 26	Affairs in Korea. Incloses copy of convention between Japan and Korea with reference to the joint exploiting by these Governments of the forests and valleys of the Yalu and the Tumen.	770
	Memorandum from the Japanese embassy.	1907. Jan. 21	Transit through United States territory of criminals and fugitives from justice in course of extradition from one foreign country to another. States that the department of justice of the Japanese Government has requested the embassy to ascertain what is the practice of the United States in reference to the transit through its territory of criminals and fugitives from justice on their way of extradition from one country to another.	759
	Mr. Root to Mr. Wright....	Jan. 30	Regulations for preventing collisions at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
65	Same to same.....	Jan. 31	Restrictions upon the importation, growth, and use of opium. Instructs him to inquire which of the two courses suggested would be more convenient and acceptable to the Japanese Government.	145
	Memorandum to the Japanese embassy.	Mar. 2	Transit through United States territory of criminals and fugitives from justice in course of extradition from one foreign country to another. Acknowledges at length memorandum of Jan. 21 from the Japanese embassy, and sets forth position of the United States in the matter.	759
204	Mr. Wright to Mr. Root....	Mar. 22	Marriage of foreigners in Japan. Makes full report and incloses copies of correspondence.	761

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
205	Mr. Wright to Mr. Root.....	Mar. 29	Restrictions upon the importation, growth, and use of opium. Refers to his dispatch No. 195 and incloses note from the minister for foreign affairs.	154
222	Same to same.....	Apr. 12	Affairs in Korea. Incloses translation of law recently promulgated relating to the forestry enterprise in Korea.	771
237	Same to same.....	Apr. 25	Same subject. Reports substance of speech delivered by Marquis Ito at a meeting of the Economic Society held at the Japanese Club in Seoul on the 17th instant.	772
258	Same to same.....	May 15	Railroads in Manchuria. Incloses copy of agreement recently signed between Japan and China relating to the Simmintun-Mukden and Kirin-Changchun railways.	776
315	Same to same.....	June 27	Same subject. Reviews certain questions relating to Manchuria which are now awaiting solution.	779
318	Same to same.....	June 28	Treaty between Japan and France relating to the Far East. Reviews provisions of treaty and incloses copies of speeches made by Viscount Hayashi and M. Pichon.	755
51	Viscount Aoki to Mr. Root..	July 26	Affairs in Korea. Incloses copy of an agreement between Japan and Korea signed at Seoul July 24, 1907.	773
364	Mr. Wright to Mr. Root.....	Aug. 7	Railroads in Manchuria. Incloses copy of convention relating to Japanese and Russian railway connections in Manchuria.	780
	Memorandum from the Japanese embassy.	Aug. 14	Treaty between Japan and Russia guaranteeing the present territory of each the integrity of China and the principle of the "open door" in that Empire. Transmits text of the stipulations.	765
	Memorandum to the Japanese embassy.	Aug. 16	Same subject. Acknowledges memorandum of the 14th instant, and states that the Government of the United States has taken due note of this important communication.	766
406	Mr. Dodge to Mr. Root.....	Sept. 12	Exclusion of foreign laborers from Japan. Reports such facts as he has been able to learn with regard to the employment of Chinese coolies in Japan. Incloses copy of law "concerning mixed residence."	766
416	Same to same.....	Sept. 18	Restrictions upon the importation, growth and use of opium. Refers to dispatch No. 195, of Mar. 19, and incloses copy of a note from the minister for foreign affairs.	167
417	Same to same.....	Sept. 20	Affairs in Korea. Incloses summary of a speech delivered by Marquis Ito at a banquet given to him by the House of Peers.	774
426	Same to same.....	Sept. 30	Same subject. Incloses text of ordinances Nos. 296 to 302, dated the 19th instant, relating to the reorganization of the imperial residency-general in Korea, consequent upon the new Japanese-Korean agreement.	775
447	Same to same.....	Oct. 12	Exclusion of foreign laborers from Japan. Incloses clipping from the Kobe Chronicle reporting a further case of expulsion of Chinese workmen. The American consul at Kobe states that the facts as reported in the Chronicle are correct.	769
16	Mr. Bacon to Mr. O'Brien...	Oct. 14	Restrictions upon the importation, growth, and use of opium. See instruction No. 134, of Oct. 14, 1907, from Mr. Bacon to Mr. Hill.	169
17	Same to same.....	Oct. 16	Same subject. Refers to dispatch No. 416, and instructs him to inform the Japanese Government that the United States has already requested of the various powers interested in the opium conference an expression of their views as to the time and place of meeting of the conference, and that the views of the Japanese Government in this connection are awaited with interest.	169

KONGO.

7	Mr. Slocum to Mr. Root.....	1906. Dec. 1	Investigation of affairs in the Kongo. Transmits a confidential report, based upon personal observation, personal reading of public documents, and conversations with officials, traders, and other trustworthy men of affairs.	791
	Senate resolution.....	1907. Feb. 15	Same subject. Text.....	806
	Mr. Smith to Mr. Root.....	Nov. 20	Same subject. Incloses his report upon existing conditions in the Kongo.	813
	Same to same.....	Nov. 23	Same subject. Incloses report of Vice-Consul-General Memminger on conditions in the Kongo.	823

LIBERIA.

No.	From and to whom.	Date.	Subject.	Page.
198	Mr. Lyon to Mr. Root.....	1907. May 20	Presidential election in Liberia. Reports that the biennial elections for president and vice-president of the Republic of Liberia and for the representatives of the national legislature occurred on the 7th instant. Gives the results of elections.	831

MEXICO.

349	Mr. Thompson to Mr. Root.	1906. Dec. 7	Passports issued under assumed names. Refers to application of one Rafael J. del Rio y Rico for renewal of passport, and asks instructions as to whether the passport should be renewed under that name, regardless of Mr. Rico's own declaration that his real name is José de la Cruz Catalino Rico, and that his application for American citizenship shows the name of Rafael Rico.	835
179	Mr. Root to Mr. Thompson.	1907. Jan. 15	Same subject. Acknowledges embassy's No. 349, of 7th ultimo, and informs him if Mr. Rafael J. del Rio y Rico is entitled to receive a passport it would seem expedient to follow the preceding passport issued to him, provided it does not appear that his desire to have it in same name is with intent to use it improperly, and provided also that he is generally known under that name.	836
182	Mr. Bacon to Mr. Thompson.	Jan. 17	Recognition of United States meat-inspection labels. Refers to embassy's dispatch No. 313, of Nov. 15, 1906, incloses letter of the Secretary of Agriculture of the 8th instant relative to the requirement by the Mexican Government that American meat certificates be viséed by Mexican consular officer, and instructs him to use his good offices to induce the Mexican Government to accept certificates without the requirement in question.	833
412	Mr. Thompson to Mr. Root.	Jan. 29	Same subject. Acknowledges department's No. 182, of the 17th instant, and incloses copy of his note to the minister for foreign affairs relative to waiving the requirement of the Mexican Government in regard to visé of American meat certificates.	833
	Mr. Root to Mr. Thompson.	Jan. 30	Regulations for preventing collisions at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
	Mr. McCreery to Mr. Root (telegram).	Feb. 12	Good offices of the United States and Mexico for the conservation of peace in Central America. Acknowledges telegram of the 11th and states that the President of Mexico has taken similar action.	617
	Same to same (telegram)....	Feb. 13	Same subject. Outlines answers sent by several governments to the telegram of the President of Mexico, and makes suggestion for the action of the United States and Mexico.	619
433	Same to same.....	Feb. 14	Recognition of United States meat-inspection labels. Referring to embassy's No. 412, of the 29th ultimo, and department's No. 182, of Jan. 17, incloses copy of reply of the minister for foreign affairs to the request that requirement of consular visé of American meat certificates be waived, together with communication from the department of government on the subject.	834
	Mr. Diaz to Messrs. Bonilla and Zelaya (telegram).	Feb. 19	Good offices of the United States and Mexico for the conservation of peace in Central America. Addresses a message expressing hope that preparations may be made for a more perfect understanding among the several countries of Central America.	623
202	Mr. Root to Mr. McCreery...	Feb. 20	Same subject. Incloses copy of note of the 8th instant addressed to the chargé d'affaires of Honduras, gives the views of this Government as to the selection of arbitrators, and directs that the views be communicated to the Mexican Government for the information of President Diaz.	624

LIST OF PAPERS.

XVII

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
16	Mr. Creel to Mr. Root.....	1907. Mar. 13	Depredations of Yaqui Indians. Refers to department's No. 142, of Nov. 30, 1906, relative to suspension of surveillance to prevent the smuggling of arms and ammunition for Yaqui Indians and their agents, and incloses copies of communications from the department of war and the Mexican consul at Tucson, showing that the smuggling has been resumed. Says he brings the facts to knowledge of the department to the end that it may take such action as is deemed expedient.	846
15	Mr. Root to Mr. Creel.....	Mar. 20	Same subject. Acknowledges embassy's No. 16, of Mar. 13, and informs him that copies of his note and its inclosures have been sent to the governor of Arizona and the Secretaries of War, Treasury, and Commerce and Labor, with the request that they again put into operation the necessary measures to prevent arms and ammunition from reaching the rebellious Indians.	847
	Mr. Mariscal to Mr. Creel.....	Mar. 25	Good offices of the United States and Mexico for the conservation of peace in Central America. "Both Salvador and Honduras wish that President Diaz should propose an armistice. In view of this favorable opportunity, please ask what is the opinion of the American Government as to what should be done to promptly secure peace in Central America. President Diaz wishes to act in full accord with President Roosevelt in everything concerning the use of friendly influence for such purpose."	627
26	Mr. Bacon to Mr. Creel.....	Apr. 6	Depredations of Yaqui Indians. Referring to department's No. 15, of the 20th ultimo, informs him that the department has been advised by the Secretary of the Interior that the governor of Arizona has been requested to put into operation the measures formerly employed by the authorities of Arizona to prevent the smuggling of arms and ammunition into Mexico for use of the Yaqui Indians, and that the Secretary of the Treasury says that the collector of customs at Nogales, Ariz., has been instructed to take precautionary measures.	848
	Same to same.....	Apr. 10	Same subject. Referring to department's note No. 26, of the 6th instant, informs him that the Secretary of the Interior has sent to the department a copy of a letter from the governor of Arizona which states that he has notified the Arizona Rangers and the sheriffs of border counties to exercise the utmost diligence to detect and prevent the smuggling of firearms and ammunition to Mexico for use of the Yaqui Indians.	848
35	Mr. Root to Mr. Creel.....	May 7	Same subject. Referring to department's No. 26, of the 6th ultimo, incloses copy of a report made by the governor of Arizona to the Secretary of the Interior relative to the measures taken for the prevention of the smuggling of arms and ammunition into Mexico.	848
36	Same to same.....	May 8	Same subject. Refers to department's No. 35, of the 7th instant, and incloses copy of an extract from a letter of the 26th ultimo from the Acting Attorney-General, with copy of its inclosures, relative to investigation of the alleged smuggling of firearms and ammunition into Mexico from Arizona for the use of Yaqui Indians. Also incloses extract from a letter of an American citizen long resident in Mexico expressing his opinion regarding the agencies employed in Mexico to prevent firearms and ammunition from reaching the Yaquis.	850
	.....	June 5	Convention between the United States and Mexico for the elimination of the bancos in the Rio Grande from the effects of Article II of the treaty of Nov. 12, 1884. Text of.	837
73	Mr. Creel to Mr. Root.....	June 24	Notice of decisions in extradition cases between the United States and Mexico. Refers to department's 542, of Dec. 5, 1904, and again requests that copies of decisions in all cases of extradition between the United States and Mexico be sent to him for the information of his Government. Says it is the constant practice of the department of foreign relations of Mexico to send copies of such decisions to the United States ambassador at Mexico City, and expresses the hope that the Government of the United States will accede to the wishes of the Mexican Government in this regard.	843

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Bacon to Mr. Creel.....	1907. Aug. 8	Recognition of provisional government of Honduras by United States and Mexico. Refers to telegram of July 23 and incloses copy of note from Señor Ugarte, states his willingness to advise the President to recognize Dávila government, and suggests common date for American and Mexican action.	602
20	Mr. Godoy to Mr Adee.....	Aug. 12	Same subject. States Mexico has recognized Dávila government, and urges influence of United States to withdrawal of troops on Guatemalan frontier.	603
23	Same to same.....	Aug. 17	Same subject. Refers to note No. 20, states that Mexican foreign office, in view of urgency, telegraphed Mexican chargé in Salvador to declare through Mexican consul-general in Honduras recognition of Dávila government, and that war seems inevitable between Nicaragua and Guatemala.	604
25	Mr. Godoy to Mr. Root.....	Aug. 21	Further good offices of the United States and Mexico for the conservation of peace in Central America. States that his Government is in receipt of positive information that hostilities are about to break out in Central America through the invasion of Nicaragua by Guatemalan and Salvadorean forces, and says that the President of Mexico will lend his influence in the cause of peace. Says if the Government of the United States is disposed to mediate in the same sense, both governments might take simultaneous action.	637
	Mr. Roosevelt to Mr. Diaz...	Aug. 25	Same subject. Informs him that, having also recognized the provisional government of Honduras, he is now in a position to address to each of the five Central American executives an earnest appeal for peace and a tender of friendly offices coincidentally with him. Incloses copy of telegram which he is prepared to send if President Diaz deems it appropriate and is disposed to take similar action.	637
	Mr. Diaz to Mr. Roosevelt (telegram).	Aug. 27	Same subject. Acknowledges draft of telegram which it is proposed to send to the five Central American Republics, and informs him that draft seems to be incapable of improvement. Says he will telegraph, day after to-morrow, to the five Central American Presidents substantially in terms identical with those employed by Mr. Roosevelt.	637
	Mr. Roosevelt to Mr. Diaz (telegram).	Aug. 28	Same subject. Refers to gratifying reply to his inquiry, and informs him that he has to-day addressed identic telegrams to the five Central American Presidents. Expresses hope that concurrent appeal for peace may have good results.	638
	Mr. Adee to Mr. Thompson (telegram).	...do.....	Same subject. Transmits text of telegram sent by President Roosevelt to the five Central American Presidents.	639
	Mr. Diaz to Mr. Roosevelt (telegram).	Aug. 31	Same subject. Acknowledges President's telegram concerning mediation. Says President of Nicaragua has conveyed to him the desire of his Government that conference take place in Mexico in September; that he has no objection if other Governments interested freely accept, and asks President if he thinks it appropriate for them to simultaneously communicate desire of Nicaragua to other interested Governments.	641
302	Mr. Adee to Mr. Thompson... ..do.....		Cruise of the Atlantic Fleet to the Pacific coast. See instruction No. 133, of Aug. 31, 1907, to Argentine.	15
38	Mr. Godoy to Mr. Adee.....	Sept. 9	Further good offices of the United States and Mexico for the conservation of peace in Central America. Informs department that President Diaz has received message from President of Honduras which says that peace in Central America mainly depends on Honduras succeeding in maintaining absolute neutrality, and that he entertains no hope in present situation if President Diaz and President Roosevelt do not succeed, without waiting until peace conference meets, in obtaining assurance that neighboring governments will not covertly support invasion of Honduras, and in securing effective guaranty of neutrality of Honduras. Also confirms report that ex-President Bonilla is in Guatemala at disposition of President Estrada Cabrera.	643

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Roosevelt to Mr. Diaz (telegram).	1907. Sept. 17	Same subject. Acknowledges telegram of Aug. 31. Says his preference has been, and still is, for holding conference in Mexico, but has adopted his intimation that views of other Central American States be elicited, and has caused respective ministers in Washington to be informally sounded. Says inquiry develops a movement among them toward a meeting of the five ministers in Washington to conclude a provisional protocol providing for a formal conference to assemble upon the concurrent invitation of the President of Mexico and the United States. Adds that the proposal was carried out by signature of projected protocol on 17th, and that now it seems clear for them to address concurrently to the respective Central American executives the invitation they have had in view. Incloses draft of message which he is ready to send if President Diaz will do likewise.	643
	Mr. Thompson to Mr. Root.	Sept. 18	Message of the President of Mexico to the Mexican Congress. Incloses copy of message delivered by President Diaz to Mexican Congress, and editorial comment thereon from the Mexican Herald of 17th instant. Calls especial attention to parts of the message entitled "Relations with the United States," "Labor troubles" and "Law in railway accidents."	842
	Mr. Diaz to Mr. Roosevelt (telegram).	Sept. 20	Further good offices of the United States and Mexico for the conservation of peace in Central America. Acknowledges telegram of 14th, and expresses satisfaction that conference is to be held in Washington. Says draft of telegrams submitted by President Roosevelt seem to him to meet the case entirely, and that he will send one substantially like it to-morrow to five presidents of Central America.	646
96	Mr. Adee to Mr. Godoy.....	...do.....	Same subject. Acknowledges note of 9th instant, and informs him that under the terms of the protocol signed on the 17th it would seem that the contingency apprehended in his note may be appropriately dealt with should it arise.	647
	Mr. Roosevelt to Mr. Diaz (telegram).	Sept. 23	Same subject. Acknowledges telegram of the 20th, and says message was sent on the 21st to each of the five Central American presidents. Shares satisfaction of President Diaz that situation has assumed so hopeful an attitude, and expresses hope that efforts may conduce to lasting peace.	648
	Mr. Mariscal to Mr. Adee (telegram).	Oct. 14	Third International Sanitary Convention. In the name of the Mexican Government, invites the Government of the United States to send a delegate to the Third International Sanitary Convention which is to meet in the City of Mexico in December.	841
	Mr. Bacon to Mr. Mariscal (telegram).	Oct. 17	Same subject. Acknowledges telegram of the 14th instant, and informs him that invitation so courteously extended will have consideration in a few days.	841
752	Mr. Thompson to Mr. Root.	Oct. 22	Visit of the Secretary of State to Mexico. Incloses clippings of everything that was printed in the Mexican Herald with reference to the visit of Mr. Root to Mexico.	852
112	Mr. Root to Mr. Godoy.....	...do.....	Further good offices of the United States and Mexico for the conservation of peace in Central America. States that all of the Central American Republics with the exception of Nicaragua have assented to the Bureau of American Republics as the place of meeting of the Central American Republics Peace Conference, and that as soon as the department is informed of the desire of Nicaragua he will be advised.	657
	Mr. Root to Mr. Mariscal (telegram).	Oct. 25	Third International Sanitary Convention. Refers to telegram of the 14th, and informs him that representatives of the Public Health and Marine-Hospital Service of the United States will attend the Third International Sanitary Convention at Mexico City in Dec. next.	842
66	Mr. Godoy to Mr. Root.....	Nov. 5	Further good offices of the United States and Mexico for the conservation of peace in Central America. States that the President of Mexico has decided that there shall be no one especially designated to represent the Government of Mexico either in the conference or the preliminaries thereto, but that this character will be assumed by the person in charge of the embassy.	657

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
125	Mr. Root to Mr. Godoy.....	1907. Nov. 9	Same subject. Acknowledges note of the 5th instant stating that the person in charge of the embassy will represent the Government of Mexico in the conference, and informs him that Mr. William I. Buchanan will represent the President of the United States at the conference.	658
	Same to same.....	Nov. 11	Same subject. Requests that the plenipotentiaries of the five Central American Republics, appointed by their respective Governments in pursuance of protocol signed in Washington, Sept. 17, 1907, together with the representatives of the United States and Mexico, convene in the building of the Bureau of American Republics in the city of Washington, Nov. 14, at half past 2 o'clock.	659
795	Mr. Coolidge to Mr. Root....	Nov. 19	Reciprocal agreement relative to the stationing of coaling vessels in the waters of Mexico and the United States. Refers to his No. 781 of Nov. 12, confirms his telegram of the 18th instant, and incloses copy of a note from the foreign office relative to the stationing of coaling vessels at Magdalena Bay.	845
141	Mr. Root to Mr. Creel.....	Dec. 3	Notice of decisions in extradition cases between the United States and Mexico. Acknowledges his No. 73, of June 24. Informs him that the department has been advised by the Acting Attorney-General that the United States attorneys for the judicial districts of Texas, New Mexico, Arizona, and California have been instructed to forward promptly copies of decisions in cases of extradition, and says they will be sent to the embassy as soon as received from the Department of Justice, together with copies of decisions in cases of extradition between the United States and Mexico arising in other States than those mentioned.	844
843	Mr. Thompson to Mr. Root..	Dec. 18	Reciprocal agreement relative to the stationing of coaling vessels in the waters of Mexico and the United States. Refers to his dispatch No. 837, of the 15th instant, acknowledges department's telegram of the 17th, and incloses copy of his note to the foreign office relative to the stationing of coaling barges in Magdalena Bay.	845

MOROCCO.

113	Mr. Philip to Mr. Root.....	1906. Aug. 11	Acquisition of property for American missionaries in Morocco and rental of a house in the Moorish quarter of Mequinez. Acknowledges receipt of instruction No. 46, of July 26, concerning the action to be taken by the American minister on the occasion of his mission to Fez for the purpose of facilitating the renting of houses by missionaries. Describes conditions at Mequinez and sets forth reasons for objections to the acquirement of a residence by the American missionaries in the Moorish quarter of Mequinez.	881
152	Mr. Gummeré to Mr. Root..	Dec. 12	Same subject. Referring to his No. 4, of Oct. 15, reports that orders have been issued to the governor of Mequinez to extend every facility to the missionaries to procure a house, and says the claims of Isaac L. Cohen, Solomon Benatull, and Sid Thamy Slawe have been settled.	882
	Mr. Bacon to Mr. Gummeré.	1907 Jan. 5	Same subject. Acknowledges his No. 152, of the 12th ultimo, and says the department is gratified to learn of the results he has accomplished relative to matters at issue between the Government of Morocco and this Government.	885
168	Mr. Gummeré to Mr. Root..	Feb. 16	Protection of patents in Morocco. Reports that he has received a letter from the British minister at Tangier suggesting the utility of the extension by the respective consular authorities at Morocco to patents of invention the same protection now accorded to trade-marks. Incloses copy of his reply thereto, and requests instructions.	871

MOROCCO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Gummeré to Mr. Root..	1907. Mar. 15	Acquisition of property for American missionaries in Morocco and rental of a house in the Moorish quarter of Mequinez. Acknowledges instruction No. 84, of Feb. 26, with inclosures. Incloses copy of a letter from Mr. Reed, missionary, concerning his failure to secure a house at Mequinez notwithstanding the Sultan's order. Also incloses copy of letter to the grand vizier asking for an explanation of his failure to keep his engagement, and requesting its immediate fulfillment.	885
185	Same to same.....	Mar. 25	Rights of foreigners in Morocco. Incloses copies of two notes from the Sultan's representative at Tangier concerning measures proposed by the Moorish Government for the creating of a guard to preserve peace in and about the city, and giving the substance of a collective letter from the diplomatic corps containing its objection to the plan.	879
92	Mr. Bacon to Mr. Gummeré.	Apr. 9	Protection of patents in Morocco. Referring to legation's dispatch No. 163, of Feb. 16, incloses copies of letters from the Secretary of the Interior and the Commissioner of Patents expressing approval of the agreement suggested. Instructs him to make the exchange of notes necessary to effect the proposed arrangement.	871
93	Same to same.....	Apr. 10	Rights of foreigners in Morocco. Acknowledges his No. 185, and informs him that the action of the diplomatic corps appears to have been entirely proper and within international law and conventional right.	881
	Mr. Gummeré to Mr. Root..	May 10	Acquisition of property for American missionaries in Morocco and rental of a house in the Moorish quarter of Mequinez. Acknowledges instruction No. 95, of Apr. 16, inclosing letter from the Gospel Missionary Union making inquiry as to the possible purchase of real estate in Morocco by American missionaries, and reports on the right of foreigners to acquire property throughout the Shereefian Empire.	888
	Same to same.....	June 24	Protection of patents in Morocco. Acknowledges instruction No. 92, of Apr. 9, and incloses copies of notes exchanged with the British minister relating to the mutual protection of British and American patents in Morocco.	874
	Same to same (telegram)....	July 3	Kaid Maclean, a British officer held prisoner by Raisuli. Reports that the British minister confirms that Kaid Maclean, British officer in employ of the Sultan, who has been negotiating with Raisuli, has been seized by the latter and is being held prisoner.	876
	Same to same.....	July 5	Same subject. Confirms his telegram of July 3, gives details of the capture of Kaid Maclean, and Raisuli's demands for the liberation of the prisoner.	876
	Same to same.....	July 19	Acquisition of property for American missionaries in Morocco and rental of a house in the Moorish quarter of Mequinez. Makes report called for in instruction No. 101, of June 24.	889
246	Same to same.....	Aug. 7	Kaid Maclean, a British officer held prisoner by Raisuli. Reports further upon the capture of Kaid Maclean, says Raisuli's demands for the release of the prisoner have been much moderated, and that the British minister has communicated them to his Government with a recommendation that they be granted.	878
	Same to same.....	Aug. 9	Political affairs in Morocco. Confirms telegram of 9th, and make further report as to conditions at Casablanca.	892
	Same to same (telegram).....	do.....	Same subject. Reports on conditions at Casablanca.	892
	Same to same (telegram).....	Aug. 22	Same subject. States that it is currently reported that the uncle of the Sultan has been proclaimed Sultan at Morocco City, and that all Christians have left Fez for the coast. Says it is quiet at Tangier.	893
	Same to same.....	Aug. 23	Same subject. Confirms his telegram of this date and states situation serious and Raisuli becoming distinct menace to our security.	893
	Same to same (telegram).....	do.....	Same subject. States that troops of Sultan have been routed with heavy loss by tribes under Raisuli, and that the situation at Alcazar is serious.	894

MOROCCO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Gummeré to Mr. Root..	1907. Aug. 24	Same subject. Confirms telegram, and reports further relative to new Government.	894
	Same to same (telegram).....	do.....	Same subject. States proclamation of Mouley Hafid as Sultan and acceptance thereof officially confirmed; new Sultan constituted government and been accepted by all southern Morocco, including coast towns.	894
259	Same to same.....	Sept. 4	Same subject. Recounts French chargé's plan for police protection in Tangier, and its acceptance by the diplomatic corps.	895
	Mr. Bacon to Mr. Gummere (telegram).	Sept. 12	Same subject. States that Mr. Reid has been informed by British foreign office British consuls have been instructed to protect American citizens and interests in Morocco at places named. Adds there is no representative at Fez, all having gone to Tangier.	896
267	Mr. Gummere to Mr. Root..	Sept. 14	Same subject. Moroccan minister of war's acceptance of French plan of police protection.	896
268	Same to same.....	Sept. 18	Same subject. Incloses copy of letter circulated by Portuguese minister at Tangier, as having been received from the pretender, Mouley Hafid.	898
294	Mr. Philip to Mr. Root.....	Dec. 7	Kaid Maclean, a British officer, held prisoner by Raisuli. Reports that arrangements for release of Kaid Maclean are considered as satisfactorily concluded by the British legation in Tangier. Says Raisuli has accepted conditions, and gives terms of the release.	878
	Mr. Gummere to Mr. Root..	1908. Feb. 7	Same subject. Confirms telegram of Feb. 7, and reports the release of Kaid Maclean and his arrival at Tangier.	879

NETHERLANDS.

	Mr. van Swinderen to Mr. Hay.	1904. Oct. 13	International convention for the exemption of hospital ships from the payment of all usual port dues and taxes. Invites United States Government to be represented at the proposed convention. Incloses draft of convention.	900
19	Mr. Hay to Mr. van Swinderen.	Oct. 22	Same subject. Acknowledges receipt of note of Oct. 13, and states matter is receiving this Government's consideration.	901
27	Same to same.....	Nov. 19	Same subject. Designates American chargé at The Hague to sign convention on behalf of the United States Government.	901
31	Same to same.....	1905. Feb. 24	Same subject. Convention ratified by Senate Feb. 21, 1905, the President to ratify when the instrument of ratification is completed.	902
48	Mr. van Swinderen to Mr. Hay.	1906. Jan. 23	Same subject. Transmits copies of convention for ratification, and states that his Government is of opinion that it would be desirable not to effect the deposit of said instruments until the majority of the States signatories to the convention is in position to join in this first deposit.	902
67	Mr. Hay to Mr. van Swinderen.	Feb. 7	Same subject. Acknowledges note of Jan. 23, and states that the President's ratification of convention will be deferred till the Netherlands Government is ready to receive it.	902
	Mr. Root to Mr. Hill.....	1907. Jan. 30	Regulations for preventing collisions at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
65	Same to same.....	Jan. 31	Restrictions upon the importation, growth, and use of opium. Incloses copy of instruction sent to the embassies at London and Tokio. Also incloses copy of regulations for the suppression of opium growing and smoking in China and states that, the views of Japan and Great Britain being favorable and the cooperation of China seeming assured, it is desirable, on bringing this matter to the attention of the Government of the Netherlands, to inquire whether it will be willing to join with the other powers mentioned in a conference on the opium question or whether, if another course were deemed more practical, it would be prepared to name a commissioner who, in concert with the other commissioners, would investigate the subject, or, in case of a divergence of views, a statement thereof to the several governments for their consideration.	145

NETHERLANDS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Root to Mr. Hill.....	1907. Mar. 27	The Second Peace Conference. States that department has not been informed that Turkey, although signatory, has signed Hague Convention, and learns that Turkey is not represented in permanent court. Directs him to ascertain Netherlands' view as to treating Turkey on same footing as powers who have consummated Hague conventions, and also when formal announcement as to date of forthcoming conference may be expected.	1116
200	Mr. Hill to Mr. Root.....	Mar. 28	Restrictions upon the importation, growth, and use of opium. Incloses correspondence with the minister of foreign affairs, relating to the proposition of the United States inviting the cooperation of the Government of the Netherlands in measures to be taken for the suppression of the opium trade in the Far East.	153
	Same to same (telegram).....	do.....	The Second Peace Conference. Reports that Turkey has signed, but not ratified, all three Hague conventions and is not represented in permanent court or administrative council, and that she has been notified by the Netherlands that until she has ratified she can not participate in the revision of the treaties or discussion. Says difference between Turkey and nonsignatories is that Turkey has only to ratify, while others can accomplish adherence only under article 60, convention of arbitration. Says Netherlands is waiting for Russia to name date of conference.	1116
205	Same to same.....	Apr. 2	Same subject. Refers to legation's No. 101, and incloses copies of the law of Mar. 15, 1907, relating to the admission of nonsignatories of The Hague Convention to the Second Peace Conference.	1118
206	Same to same.....	Apr. 4	Same subject. Acknowledging department's No. 72, and telegram of Mar. 29, sets forth views of the Government of the Netherlands relative to the status of Turkey. Says the Netherlands minister is of the opinion that no embarrassment is likely to arise concerning the admission of nonsignatory powers to the second conference, provided delegates are given full powers authorizing adhesion to the conventions of 1899 by their respective governments. Says signatures to the protocol of assenting governments and notification of adherence by nonsignatories, as preliminaries of the second conference, should be promptly produced in order to avoid embarrassing questions.	1119
	Mr. Van Swinderen to Mr. Root.	Apr. 10	Same subject. States that the meeting of the peace conference at The Hague has been fixed for the 15th of June, and says that he has been instructed by his Government to invite the Government of the United States to send delegates thereto.	1109
	Mr. Root to Mr. Hill (telegram).	Apr. 17	Same subject. Acknowledges legation's No. 206, refers to article 60 of The Hague arbitration treaty, and says it is plainly unnecessary for the South American powers to enter into any new treaty with the Netherlands or with anyone else, except by a mere notice of adhesion. Adds that notice must, of course, come either from the minister for foreign affairs direct or from some representative who has power to give the notice.	1121
130	Mr. Root to Mr. Van Swinderen.	Apr. 18	Same subject. Acknowledges his note of the 10th instant, and informs him that the Government of the United States accepts the invitation to be officially represented by delegates at the Second Peace Conference, and that the names of the delegates will be communicated at an early date.	1109
	Mr. Hill to Mr. Root (telegram).	do.....	Same subject. Reports that Government of the Netherlands substantially accepts views in department's telegram of Apr. 17.	1122
218	Same to same.....	do.....	Same subject. Acknowledges department's telegram of Apr. 17, confirms his reply thereto, reports his conversation with the minister for foreign affairs of the Netherlands, and says there appears to be no material difference between the position taken in department's telegram and the understanding of the Netherlands Government, so far as adhesion of the South American states is concerned.	1122

NETHERLANDS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
	Mr. Root to Mr. Hill.....	Apr. 26	Same subject. Gives him the names of the delegates of the Argentine Republic to the Second Hague Conference.	1126
83	Mr. Bacon to Mr. Hill.....	Apr. 30	Same subject. Says the Government of Cuba has accepted the invitation of Russia, and will send delegates to the Second Peace Conference at The Hague.	1127
259	Mr. Van Swinderen to Mr. Root.	May 7	Same subject. Incloses text of a protocol concerning the mode of adhesion to the convention for the peaceful settlement of international disputes on the part of powers which did not take part in the first conference, but have been invited to the second conference, and asks that American delegates be supplied with full powers to sign it at The Hague on June 14.	1123
134	Mr. Bacon to Mr. Van Swinderen.	May 11	Same subject. Acknowledges note of the 7th instant, and informs him in reply that the President has issued his full power authorizing the American delegates to the Second Peace Conference to sign the protocol for and in the name of the United States.	1124
234	Mr. Hill to Mr. Root.....	May 14	Restrictions upon the importation, growth, and use of opium. Incloses copy of note from the foreign office in which it is stated that Her Majesty's Government is of the opinion that the nomination of an international commission would be preferable to the calling of a conference to study the opium question in the Far East.	157
	Mr. Bacon to Mr. Van Swinderen.	.....do.....	The Second Peace Conference. Refers to his note of Apr. 10, and the department's of Apr. 18, and gives the names of the American delegates to the Second Peace Conference at The Hague, June 15, 1907.	1110
		May 21	Convention between the United States and certain other powers for the exemption of hospital ships, in time of war, from the payment of all dues and taxes imposed for the benefit of the state. Text.	903
308	Mr. Hill to Mr. Root.....	Sept. 19	Speech from the throne at the opening of the session of the States-General. Transmits the text.	909
134	Mr. Bacon to Mr. Hill.....	Oct. 14	Restrictions upon the importation, growth, and use of opium. Calls attention to instruction No. 65, of Jan. 31, 1907, incloses copies of the acceptances of the several governments of the proposal of the United States to conduct a joint and impartial investigation of the scientific and material conditions of the opium trade, and instructs him to inquire whether or not the Dutch Government finds it convenient to suggest a place and time of meeting of the conference.	168
340	Mr. White to Mr. Root.....	Nov. 26	Restrictions upon the importation, growth, and use of opium. Refers to instruction No. 134, of Oct. 14, and incloses copies of notes exchanged between the legation and the foreign office relative to the opium conference.	170

NICARAGUA, COSTA RICA, AND SALVADOR.

A-4	Mr. Bailey to Mr. Root.....	1907. Jan. 9	Good offices of United States and Mexico for peace in Central America. Confirms telegram, concerning call of foreign minister with telegram from Nicaragua declining to be bound by treaty on Marblehead, July 20, 1906; also with telegram from Honduras re militia proceeding to Nicaraguan frontier against revolutionists of Zelaya. Transmits copy and translation of correspondence from Costa Rica re attitude of Nicaragua toward recent treaties.	606
6	Same to same.....	Jan. 17	Same subject. Reports interview with minister for foreign affairs in regard to the violation of certain Nicaraguan territorial right by Honduran troops.	613
	Mr. Root to Mr. Bailey.....	Feb. 1	Same subject. States that the department is endeavoring to elucidate the facts of the present differences and open the way to a better understanding.	614
	Mr. Roosevelt to Mr. Zelaya (telegram).	Feb. 11	Same subject. Expresses regret on the occasion of the dissolution of the tribunal of arbitration between Nicaragua and Honduras, and hopes that the tribunal may reconvene and continue its work, thus preserving the peace of the several states.	616

NICARAGUA, COSTA RICA, AND SALVADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Root to Mr. Delgardos (telegram).	1907. Feb. 12	Same subject. Communicates copy of telegram of this date sent to the President of Nicaragua.	616
	Mr. Delgardos to Mr. Root (telegram).	...do....	Same subject. Acknowledges telegram of the 11th and states that the President of Salvador has addressed Presidents Bonilla and Zelaya again tendering his friendly mediation.	616
	Mr. Figueroa to Mr. Roosevelt (telegram).	Feb. 13	Same subject. States that his Government has exhausted every means to bring about the pacific settlement of the questions pending between Honduras and Nicaragua, and quotes a telegram from the President of Nicaragua.	618
	Mr. Zelaya to Mr. Roosevelt (telegram).	...do.....	Same subject. Acknowledges telegram, states position assumed by his Government and says that it is ready to accept the offer of good offices.	619
	Mr. Roosevelt to Mr. Zelaya (telegram).	Feb. 14	Same subject. Thanks him for his telegram and states he will be glad to render any assistance in his power toward working out a practical solution of the interesting problem in accordance with the ideas agreed on.	620
	Mr. Zelaya to Mr. Roosevelt (telegram).	Feb. 16	Same subject. Expresses thanks for second telegram and prays that Honduras may not show reluctance to the philanthropic offices.	622
	Mr. Root to Mr. Delgardos..	Feb. 20	Same subject. Incloses copy of note of the 8th instant addressed to the chargé d'affaires of Honduras.	625
	Mr. Bacon to Mr. Calvo.....	Mar. 5	The Second Peace Conference. See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.	1113
	Mr. Bacon to Mr. Corea.....	...do....	Same subject. See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.	1113
1252	Mr. Merry to Mr. Root.....	Mar. 10	Election of General Fernando Figueroa as President of Salvador. States that he transmitted President Roosevelt's congratulations to Figueroa, and that ex-President Escalon deserves well of his people.	918
	Mr. Root to Mr. Merry (telegram).	Mar. 15	Good offices of the United States and Mexico for the conservation of peace in Central America. Refers to the telegrams sent by President Roosevelt on Feb. 11 and 14, and states that the President has expressed no opinion as to the merits of the unfortunate controversy, and could not do so consistently with his attitude as the unbiased friend of both and his solicitude to do everything possible to restore peace.	626
735	Mr. Adee to Mr. Merry.....	Mar. 22	Same subject. Acknowledges No. 1244, confirms telegram of the 15th instant, and informs him that a copy of the telegram was sent on the same date to the American chargé at Tegucigalpa.	626
	Mr. Merry to Mr. Root (telegram).	Mar. 26	Same subject. Reports that the Honduras army is being defeated by the Nicaraguan army and that the Government of Costa Rica, for the sake of Central American peace, requests that this Government, jointly with that of Mexico, will intervene in favor of peace. Adds that the Salvadorian Government is joining in the solicitation.	627
	Mr. Figueroa to Mr. Roosevelt (telegram).	Apr. 8	Same subject. "Very sincere thanks for considerate complaisance respecting continuation peace negotiations by Chargé Brown. Whatever good result is achieved will be due to the good offices of your Government and you will have the thanks of Central America."	628
	Mr. Roosevelt to Mr. Figueroa (telegram).	Apr. 13	Same subject. Acknowledges telegram of the 8th and informs him that the U. S. S. Chicago will be placed at the disposal of himself and the President of Nicaragua for the conference at Amapala.	629
	Mr. Figueroa to Mr. Roosevelt (telegram).	Apr. 14	Same subject. Expresses thanks for the facilities offered for the holding of the conference at Amapala, and for the action taken by the United States and Mexico in regard to demonstrations by Nicaraguan troops.	630
	Mr. Zelaya to Mr. Roosevelt (telegram).	Apr. 15	Same subject. Expresses thanks for the congratulation of President Roosevelt on the termination of the war with Honduras; also for the offer of United States ships to assist in making peace with Salvador, and for joint assistance with President Diaz toward compelling Salvador and Guatemala to withdraw all disturbing elements from the frontiers.	630
	Mr. Figueroa to Mr. Roosevelt (telegram).	Apr. 24	Same subject. Refers to the signing of the treaty of peace, and tenders testimonials in the name of the people and his own for good offices in cause of peace.	631

NICARAGUA, COSTA RICA, AND SALVADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1907.		
1277	Mr. Merry to Mr. Root.....	Apr. 25	Citizenship of persons born of foreign parents in Nicaragua. Incloses circular from Nicaraguan Government stating that all persons born on Nicaraguan soil are citizens of Nicaragua, and mentions the case of Henry Cole, born in Nicaragua of American parents.	918
	Mr. Zelaya to Mr. Roosevelt (telegram).	...do.....	Same subject. Refers to the signing of the treaty of peace, and expresses thanks for great work toward achieving the happy result.	632
	Mr. Roosevelt to Mr. Zelaya (telegram).	Apr. 26	Same subject. Expresses thanks for expressions of appreciation for the services of the Government of the United States in the interest of peace.	632
	Mr. Calvo to Mr. Root.....	May 4	The Second Peace Conference. Acknowledges department's note of March 5, and says the Government of Costa Rica, much to its regret, finds itself constrained to forego its purpose of sending representatives to the Second Peace Conference at The Hague.	1127
	Mr. Corea to Mr. Root.....	May 6	Same subject. Says the Nicaraguan minister at Paris will be the delegate of the Government of Nicaragua to the Second Peace Conference at The Hague.	1127
1	Mr. Bacon to Mr. Merry.....	May 11	Citizenship of Nicaraguans born of foreign parents. Acknowledges his No. 1277, and states that Mr. Cole is entitled to receive an American passport upon conforming to the rules of the department.	920
	Mr. Mejia to Mr. Root.....	June 10	Good offices of the United States for the conservation of peace in Central America. Incloses copy of a note from minister of foreign relations of Salvador, transmitting official reprint of the treaty of Amapala, and requesting the President of the United States to act as arbitrator as indicated in Article 3 of the treaty.	634
	.....	June 15	Treaty between the United States and Nicaragua for the extradition of criminals. Text.	912
2	Mr. Root to Mr. Mejia.....	June 20	Good offices of the United States and Mexico for the conservation of peace in Central America. Acknowledges note of the 10th and informs him that the President of the United States will gladly give his services toward the faithful observance of the provisions of the treaty of Amapala provided he is invited to do so by both parties to the treaty in coincident or identic communications addressed to him through diplomatic channels. States that no such communication has been received from Nicaragua.	635
	Mr. Calvo to Mr. Adee.....	Aug. 14	Recognition of provisional government of Honduras by United States and Mexico. States that Costa Rica has recognized the Dávila government.	604
4	Mr. Merry to Mr. Root.....	Aug. 24	Citizenship of Nicaraguans born of foreign parents. Incloses copy of instructions from British minister to British subjects born in Nicaragua, which practically abandons them if they remain there.	921
	Mr. Roosevelt to Mr. Figueroa.	Aug. 28	Further good offices of the United States and Mexico for the conservation of peace in Central America. See telegram of Aug. 28 to President of Guatemala.	638
	Mr. Roosevelt to Mr. Viquez.	...do....	Same subject. See telegram of Aug. 28 to the President of Guatemala.	638
	Mr. Roosevelt to Mr. Zelaya.	...do.....	Same subject. See telegram of Aug. 28 to President of Guatemala.	638
	Mr. Figueroa to Mr. Roosevelt (telegram).	Aug. 29	Same subject. Expresses appreciation for sentiments contained in his telegram of yesterday, and esteem for the honor done him by President Roosevelt and President Diaz in lending their good offices for the friendly adjustment of the difficulties existing between the several Central American Republics. Says that Salvador will not only abstain from any step which might enhance the gravity of the situation, but will cooperate in all possible ways to the attainment of the end all so ardently desire.	639
	Mr. Zelaya to Mr. Roosevelt (telegram).	...do.....	Same subject. Acknowledges receipt of the President's telegram of the 28th instant, and says he gladly accepts the invitation, since any plan that aims at such elevated ends will be most favorably received and most earnestly and frankly supported by him.	639
	Mr. Viquez to Mr. Roosevelt (telegram).	...do.....	Same subject. Acknowledges the President's telegram and says that the traditional policy of Costa Rica, which is firmly upheld by the Government, has been to maintain the most friendly relations with the sister Republics of Central America, and that, as entertaining these views, nothing can be more satisfactory to him than to defer with pleasure to the desires of President Roosevelt and President Diaz in their efforts for peace.	640

NICARAGUA, COSTA RICA, AND SALVADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
5	Mr. Merry to Mr. Root.....	1907. Aug. 29	Searching of Pacific Mail S. S. <i>San Juan</i> by Nicaraguan authorities. States steamer <i>San Juan</i> was searched at Corinto by Nicaraguan authorities for contraband of war, although Nicaragua claims to be at peace. Incloses marine note of protest.	922
	Mr. Figueroa to Mr. Roosevelt (telegram).	Sept. 1	Further good offices of the United States and Mexico for the conservation of peace in Central America. Proposes that the conference be held in Washington. Asks the President to use his good offices to have the conference carried out as early as possible.	642
5	Mr. Adeo to Mr. Merry.....	Sept. 11	Citizenship of Nicaraguans born of foreign parents. Acknowledges his No. 4, and states that Americans in Nicaragua must overcome presumption of expatriation, if they wish to remain American citizens.	922
6	Same to same.....	Sept. 20	Searching of S. S. <i>San Juan</i> by Nicaraguan authorities. Acknowledges his No. 5, and incloses copy of instruction to consul at Managua, No. 28, on the subject.	923
	Mr. Roosevelt to Mr. Figueroa (telegram).	Sept. 21	Further good offices of the United States and Mexico for the conservation of peace in Central America. See telegram of Sept. 21, 1907, from President Roosevelt to President Cabrera.	648
	Mr. Roosevelt to Mr. Zelaya (telegram).	...do....	Same subject. See telegram of Sept. 21, 1907, from President Roosevelt to President Cabrera.	648
	Mr. Roosevelt to Mr. Viquez (telegram).	...do....	Same subject. See telegram of Sept. 21, 1907, from President Roosevelt to President Cabrera.	648
	Mr. Zelaya to Mr. Roosevelt (telegram).	Sept. 22	Same subject. Acknowledges telegram, and says representatives who are to take part in the conference to be held in Washington will be appointed in good time.	649
	Mr. Viquez to Mr. Roosevelt (telegram).	Sept. 23	Same subject. Refers to telegram of 21st, accepts invitation to conference to be held in Washington during the first fifteen days of November, and will at the proper time accredit delegation of Costa Rica to said conference.	649
	Mr. Figueroa to Mr. Roosevelt (telegram).	Sept. 24	Same subject. Acknowledges telegram of the 21st, and accepts with pleasure invitation to participate in conference to be held in Washington in November.	650
	Same to same (telegram)....	Sept. 26	Same subject. Requests that the United States Government be represented in the Central American peace conference to be held in Washington in November.	651
	Mr. Bacon to Mr. Calvo.....	Oct. 2	Same subject. Informs him that as the recent concurrent invitation of the Presidents of Mexico and the United States to the Presidents of the five Central American Republics to participate in a conference to be held in the city of Washington in November has been accepted by the respective executives, it is now proposed that the conference be held in the Bureau of American Republics.	653
	Mr. Bacon to Mr. Mejia.....	...do....	Same subject. See note of Oct. 2, 1907, from Mr. Bacon to Mr. Calvo.	653
	Mr. Bacon to Mr. Corea.....	...do....	Same subject. See note of Oct. 2, 1907, from Mr. Bacon to Mr. Calvo.	653
	Mr. Mejia to Mr. Bacon.....	Oct. 4	Same subject. Acknowledges note of 2d instant, and says that in name of his Government as well as his own, he wishes to express thanks for hospitality and courtesy extended.	653
	Mr. Corea to Mr. Bacon.....	Oct. 5	Same subject. States that Dr. Don José Madriz and himself have been appointed delegates for Nicaragua to the forthcoming Central American peace conference to meet in Washington.	654
	Mr. Zelaya to Mr. Roosevelt (telegram).	Oct. 11-12	Same subject. Invites President to be represented in coming conference. Says he is addressing President Diaz in same sense.	655
	Mr. Viquez to Mr. Roosevelt (telegram).	Oct. 12	Same subject. Invites President to be represented in the forthcoming conference. Says he is addressing President Diaz in same sense.	655
	Mr. Roosevelt to Mr. Zelaya (telegram).	Oct. 14	Same subject. Acknowledges telegram of 11th instant, expresses hope for beneficial results from approaching conference, and says representative of United States will attend conformably with protocol and wishes of five Republics.	655
	Mr. Roosevelt to Mr. Davila.	Oct. 15	Same subject. Acknowledges telegram of 12th instant, expresses hope for beneficial results from approaching conference, and says a representative of the United States will attend conformably with protocol and wishes of five Republics.	656

NICARAGUA, COSTA RICA, AND SALVADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Calvo to Mr. Root.....	1907. Oct. 15	Same subject. Acknowledges note of the 2d instant, says that the Bureau of American Republics as the place of meeting is agreeable to the legation, and states that Costa Rica will be represented in the conference by Señor Don Luis Anderson and himself.	656
71	Mr. Bacon to Mr. Calvo.....	Oct. 19	Same subject. Acknowledges note of the 15th instant.	656
	Mr. Figueroa to Mr. Roosevelt (telegram).	Nov. 8	Same subject. Informs him that at a conference on the 6th instant, at the port of Amapala, with the Presidents of Honduras and Nicaragua, a most cordial understanding was reached, that all pending questions were settled, and most frank and true friendship restored.	
72	Mr. Root to Mr. Calvo.....	Nov. 9	Same subject. Informs him that Mr. William I. Buchanan will represent the President of the United States at the forthcoming conference.	658
5	Mr. Root to Mr. Mejia.....	...do....	Same subject. See note No. 72, of Nov. 9, 1907, from Mr. Root to the Costa Rican minister.	658
	Mr. Roosevelt to Mr. Figueroa (telegram).	Nov. 11	Same subject. Acknowledges telegram of the 8th instant and expresses gratification at the happy outcome of the conference held by him with the Presidents of Honduras and Nicaragua.	658
	Mr. Root to Mr. Mejia, Mr. Gallegos and Mr. Rodriguez.	...do....	Same subject. See note of Nov. 11, 1907, from Mr. Root to Mr. Godoy.	659
	Mr. Root to Mr. Madriz and Mr. Corea.	...do....	Same subject. See note of Nov. 11, 1907, from Mr. Root to Mr. Godoy.	659
	Mr. Root to Mr. Anderson and Mr. Calvo.	...do....	Same subject. See note of Nov. 11, 1907, from Mr. Root to Mr. Godoy.	659
	Mr. Madriz and Mr. Corea to Mr. Root.	Nov. 12	Same subject. Acknowledges note of the 11th instant, and state that they will proceed according to suggestion.	659
	Mr. Mejia, Mr. Gallegoa, and Mr. Rodriguez to Mr. Root.	...do....	Same subject. Acknowledges note of the 11th instant, and state that they will attend the meeting in accordance with instructions therein contained.	660
	Mr. Corea to Mr. Root.....	Nov. 13	Same subject. Informs him of the conference held at the port of Amapala on the 6th instant between the Presidents of Nicaragua, Salvador, and Honduras, and of the agreement reached for the adjustment of all differences between the countries governed by them, and for the calling of a Central American congress following the Washington conference.	660
	Mr. Figueroa to Mr. Roosevelt (telegram).	Nov. 19	Same subject. States that peace and tranquillity having been restored, the constitutional path was entered this day, the state of siege raised, and absolute and unconditional amnesty granted to cover all political offenses.	662
	Mr. Roosevelt to Mr. Figueroa (telegram).	Nov. 23	Same subject. Acknowledges with much pleasure his telegram of the 19th instant.	662
	Mr. Calvo to Mr. Root.....	Nov. 25	Same subject. Incloses copy of the minutes of the meeting of the Presidents of Honduras, Nicaragua, and Salvador at the port of Amapala on the 6th instant.	662
	Mr. Zelaya to Mr. Roosevelt (telegram).	Dec. 22	Same subject. Thanks the President for his participation in the pacific settlement of Central American differences happily brought to an end.	664
	Mr. Roosevelt to Mr. Zelaya (telegram).	Dec. 23	Same subject. Expresses thanks for telegram of the 22d. Says the Governments of Central America are to be congratulated upon the earnest labors of their delegations for peace, and that the Government of the United States was glad to extend cooperation.	664
	Mr. Calvo to Mr. Root.....	Dec. 27	Same subject. Refers to the department's note No. 72, of Nov. 9, expresses the appreciation of the Costa Rican delegates for the services of Mr. Buchanan, and extends the thanks of the Government of Costa Rica to the President and Government of the United States and the Secretary of State, for the interest shown in the welfare of the States of Central America.	664

LIST OF PAPERS.

XXIX

NORWAY.

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85	Mr. Root to Mr. Peirce....	1907. Jan. 30	Regulations for preventing collisions at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
	Mr. Peirce to Mr. Root....	Nov. 6	Treaty between Great Britain, France, Germany, Norway, and Russia respecting independence and territorial integrity of Norway. Transmits note from minister for foreign affairs relative to abrogation of treaty of Nov. 21, 1855, and new treaty to be ratified by Storting.	926
	Mr. Skybak to Mr. Root...	Dec. 19	Death of minister of Norway to the United States. Announces death of Minister Hauge.	925
	Mr. Bacon to Mr. Skybak.	Dec. 20	Same subject. Acknowledges the receipt of his note of the 19th instant, announcing Minister Hauge's death, and conveys sincere condolences.	925
	Mr. Root to Mr. Peirce (telegram).	...do....	Same subject. Directs him to convey expression of sincere sympathy and regret to Mrs. Hauge over death of her husband.	925
	Mr. Skybak to Mr. Root...	Dec. 21	Same subject. Acknowledges condolences transmitted.	926
98	Mr. Peirce to Mr. Root....	1908. Feb. 12	Treaty guaranteeing integrity and independence of Norway between Great Britain, France, Germany, and Russia. Incloses text.	927

PANAMA.

66	Mr. Bacon to Mr. Obaldia.	1907. Mar. 5	The Second Peace Conference. See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.	1113
	Mr. Squiers to Mr. Root...	Mar. 8	Consular jurisdiction over estates of American citizens dying in Panama. Recommends extension of consular jurisdictions to cover all of Panama territory outside of Canal Zone. Cites cases of employees of Panama Railroad.	937
35	Mr. Bacon to Mr. Squiers.	Apr. 12	Same subject. Acknowledges receipt of his No. 66, and incloses copy of department's instruction to consul-general at Panama.	939
12	Mr. Obaldia to Mr. Root...	Apr. 14	The Second Peace Conference. Informs the department that the Government of Panama has accepted Russia's invitation and will send a delegate to the Peace Conference at The Hague.	1126
98	Mr. Squiers to Mr. Root...	May 10	Protection of Chinese interests in Panama. Transmits correspondence relative to the case of the estate of Wan Fok, a Chinese, said to have been administered by D. R. Hand, United States consular agent at Bocas del Toro.	929
43	Mr. Bacon to Mr. Squiers.	May 27	Same subject. Acknowledges his No. 98, and states that good offices of American diplomatic and consular officers are made use of by Chinese only by permission of the Government of Panama, and not otherwise.	932
55	Mr. Adee to Mr. Squiers...	Aug. 31	Cruise of the Atlantic Fleet to the Pacific coast. See instruction No. 133, of Aug. 31, 1907, to Argentine.	15
66	Mr. Root to Mr. Squiers...	Dec. 4	Protection of Chinese interests in Panama. Good offices of American diplomatic and consular officers in Panama to be exercised only in case of request for them and only to the extent of suggesting favorable exercise of administrative discretion.	933

PERSIA.

28/206	Gen. Morteza to Mr. Root.	1906. Oct. 17	Murder of Rev. Benjamin W. Labaree. States that the murderer and his accomplices could best be punished by infliction of a fine, and that the death penalty for them would be more than Persia dared inflict.	941
7	Mr. Root to Gen Morteza...	Nov. 7	Same subject. Acknowledges his note of Oct. 17, and states that, indemnity having been paid to the widow, this Government must now insist upon punishment of the guilty parties, and suggests ways.	942
29/208	Gen. Morteza to Mr. Root.	Nov 14	Same subject. Acknowledges department's note of 7th, and states he hopes for more consonant settlement of the fine.	944

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		1907.		
	Mohammed Ali Shah to Mr. Roosevelt (telegram).	Jan. 9	Death of the Shah of Persia. Announces the death of his father.	948
	Mr. Roosevelt to Mohammed Ali Shah (telegram).	...do....	Same subject. Tenders condolences upon death of his father.	949
	Gen. Morteza to Mr. Root.	...do....	Same subject. Communicates news of death of Shah.	949
	Mr. Root to Gen. Morteza.	...do....	Same subject. Acknowledging his note; conveys sympathy.	949
	Mohammed Ali to Mr. Roosevelt (telegram).	Jan. 11	Same subject. Thanks for condolences expressed.	949
	Gen. Morteza to Mr. Root.	Jan. 15	Same subject. States official mourning will last six months and that the new Shah will be crowned Jan. 19.	950
	Same to same.....	Jan. 28	Same subject. Announces succession of Crown Prince, and designation of new Crown Prince, Ahmed Mirza.	950
11	Mr. Root to Gen. Morteza.	May 23	Murder of Rev. Benjamin W. Labaree. Acknowledges receipt of his note of Nov. 7, and insists that the amount of the fine be devoted to the erection of some permanent structure which, while of a beneficial character, will serve as an object lesson.	945
22/101	Gen. Morteza to Mr. Root.	July 4	Same subject. Expresses opinion that the Labaree matter is closed, that the convicted murderer is dead in jail, several of his accomplices killed in skirmishes, and the remainder have fled the country; that, therefore, no additional punishment can be inflicted by the Persian Government.	947
15	Mr. Bacon to Gen. Morteza	July 17	Same subject. Acknowledges his note of July 4, and states that in abandoning insistence upon pecuniary penalty this Government must not be understood as absolving any accessories from such punishment as the Persian Government may be able to inflict in the future.	948

PERU.

	Mr. Bacon to Mr. Pardo...	Mar. 5	The Second Peace Conference. See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.	1113
19	Mr. Combs to Mr. Root...	Aug. 13	Message of Peruvian President. Incloses text of...	951
	Mr. Adee to Mr. Combs...	Aug. 31	Cruise of the Atlantic Fleet to the Pacific coast. See instruction No. 133, of Aug. 31, 1907, to Argentine.	15

PORTUGAL.

108	Mr. Root to Mr. Bryan....	1906. Dec. 18	Military service case of Frank Freitas. Reports arrest of Freitas, a naturalized American citizen, and compulsion to perform military service in Portugal, his native country. Instructs him to ascertain what may be done.	958
277	Mr. Bryan to Mr. Root....	1907. Jan. 22	Additional commercial agreement between United States and Portugal. Reports the King of Portugal as having signed decree ratifying agreement extending to Porto Rico provisions of commercial agreement, etc. Transmits copy and translation of decree of ratification. Text of agreement.	954
	Mr. Bacon to Mr. Bryan (telegram).	Jan. 26	Same subject. Agreement proclaimed by President 24th instant.	956
279	Mr. Bryan to Mr. Root....	Jan. 29	Same subject. Transmits copy of agreement published on 24th instant. States King ratified agreement on January 8.	957
291	Same to same.....	Mar. 5	Military service case of Frank Freitas. Acknowledges department's instruction of December 18th last. States Freitas was drafted before his naturalization and therefore appears to be liable in Portugal for military service. Awaits further instructions.	959
121	Mr. Bacon to Mr. Bryan..	Mar. 30	Same subject. States that as Freitas had left Portugal a minor and resided in America for seven years, it does not appear that Portugal's contention that its draft of him for military service was binding. Instructs him to press the case, it giving point to need for naturalization convention between United States and Portugal.	960

PORTUGAL—Continued.

No.	From and to whom.	Date.	Subject.	Page.
126	Mr. Bacon to Mr. Bryan	1907. Apr. 13	Same subject. Instructs him to make careful investigation of Portuguese military service laws and their interpretation for department's circular.	961
306	Mr. Bryan to Mr. Root	Apr. 22	Same subject. Incloses copy of his note to foreign office and reports promise to liberate Freitas promptly.	961
308	Same to same	Apr. 23	Effect of acceptance of titles of nobility on American citizenship. Reports case of A. V. Patterson, an American citizen, resident in Lisbon, upon whom the King is about to confer the title of baron, and questions effect upon his American citizenship.	957
131	Mr. Bacon to Mr. Bryan	May 16	Same subject. Acknowledges his No. 308, and states there is no law against acceptance of titles of nobility by American citizens, but that it is contrary to the spirit of our laws, and is a circumstance to be considered in determining expatriation.	958
319	Mr. Bryan to Mr. Root	May 28	Military service case of Frank Freitas. Resignation of minister for foreign affairs will delay release of Freitas, but successor has promised to liberate the man.	962
322	Same to same	June 4	Same subject. States new regulations concerning Portuguese military service will be published in a few days and transmitted to the department.	963
135	Mr. Root to Mr. Bryan	June 13	Same subject. Acknowledges receipt of his No. 319. Instructs him to bring the case to the attention of the new minister for foreign affairs and to press it.	962
330	Mr. Bryan to Mr. Root	July 16	Same subject. Reports promise of minister of foreign affairs to have Freitas released in few days.	963
333	Same to same	July 23	Same subject. Transmits new regulations governing military service in Portugal, with copy of decree of Dec. 24, 1901.	963
336	Same to same (telegram)	July 29	Same subject. Freitas liberated	971
139	Mr. Adee to Mr. Bryan	Aug. 10	Same subject. Confirms telegram, idem	971
342	Mr. Bryan to Mr. Root	Aug. 26	Same subject. Acknowledges his No. 333, and instructs him to press for naturalization convention, as regulations do not cover the points in which department's interest lies.	972
			Same subject. Acknowledges instruction of Aug. 10, and states minister for foreign affairs favors such convention, and minister of justice has treaty of naturalization for consideration now.	972

ROUMANIA.

59	Mr. Schuyler to Mr. Root	1907. Mar. 2	Commercial treaty between Roumania and Belgium. Transmits text.	974
22	Same to same	Mar. 21	Commercial treaty between Servia and Italy. Transmits text.	974
68	Same to same	Apr. 2	Commercial treaty between Roumania and Italy. Transmits text.	973
72	Same to same	Apr. 18	Treaty of commerce and navigation between Roumania and France. Transmits text.	973

RUSSIA.

717	Mr. Meyer to Mr. Root	1906. Dec. 15	Citizenship of Clemens Belling. Submits case of Belling, a circus performer, born in France of American parents, who, while never having resided in the United States, declares that he intends to come to this country, but the nature of his calling has so far prevented the carrying out of this intention.	975
728	Same to same	Dec. 24	Sessions of the Douma—Election laws—General affairs in Russia. Incloses imperial ukase fixing date for elections for the Douma for Feb. 19.	982
	Same to same (telegram)	1907. Jan. 3	Same subject. Lannitz, chief police St. Petersburg, assassinated to-day.	982
	Same to same (telegram)	Jan. 9	Same subject. General Pavloff, military procureur, assassinated in St. Petersburg this morning.	983

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No.	From and to whom.	Date.	Subject.	Page.
204	Mr. Bacon to Mr. Meyer.....	1907. Jan. 11	Citizenship of C. Belling. States that Belling appears to be an American citizen and is entitled to receive passport as such.	975
744	Mr. Meyer to Mr. Root.....	...do....	Sessions of the Douma—Election laws—General affairs in Russia. Reports rulings made by the council of ministers in regard to certain criminal cases.	93
	Mr. Root to Mr. Riddle.....	Jan. 30	Regulations for preventing collisions at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
	Mr. Bliss to Mr. Root (telegram).	...do....	Sessions of the Douma—Election laws—General affairs in Russia. Guidema, director Vassili Ostroff prison here, assassinated this morning about 11.	983
	Mr. Bacon to Mr. Riddle (telegram).	Feb. 21	Famine in Russia. Is Russian Red Cross carrying on relief measures for famine sufferers of Russia?	976
	Mr. Riddle to Mr. Root (telegram).	Feb. 22	Same subject. States that the Russian Red Cross is doing much, but outside aid would be gratefully received.	976
	Mr. Root to Mr. Riddle (telegram).	Feb. 23	The Second Peace Conference. Referring to Russian circular of Apr. 12, directs him to ascertain what signatory powers have acquiesced in the proposed formalities for adhesion of nonsignatories to The Hague conventions. Refers to department's note of Apr. 19 to the Russian ambassador and the assent therein given, and says department understands that should the other signatories assent to the proposal of Apr. 12, that assent would have the effect of making it certain that the adherence of invited nonsignatories would be accepted, and their participation in conference assured.	1110
	Mr. Riddle to Mr. Root (telegram).	Mar. 2	Same subject. Says that he has been informed by minister for foreign affairs that Russian proposition for adherence of nonsignatory powers of First Peace Conference admitting them to participate in the second conference has been accepted by all signatory powers except Belgium, China, and Turkey, which have not yet replied.	1111
9	Same to same.....	...do....	Same subject. Acknowledges telegram of Feb. 23, confirms his reply thereto of the same date, and incloses copies of notes exchanged between the embassy and the foreign office relative to the participation in the second conference of the powers represented at the First Peace Conference.	1111
	Mr. Root to Mr. Riddle (telegram).	Mar. 19	Same subject. Directs him to ascertain whether the Russian Government has received the assent of Belgium, China, and Turkey to the proposal for the adhesion of nonsignatories to The Hague Convention.	1114
16	Mr. Riddle to Mr. Root.....	Mar. 20	Sessions of the Douma—Election laws—General affairs in Russia. Incloses circular issued by the minister of the interior directing the governors of the interior provinces to take stringent measures for the preservation of order in the interior.	983
18	Mr. Riddle to Mr. Root.....	Mar. 23	Sessions of the Douma—Election laws—General affairs in Russia. Reports in regard to the matters considered at the meeting of the Douma on Mar. 19.	984
	Mr. Root to Baron Rosen...	Mar. 26	The Second Peace Conference. Refers to Department's note of June 7, 1906, and asks that he request his Government to include in their letter of invitation to the powers participating in the Second Peace Conference at The Hague a statement of the fact of the right of the Government of the United States to propose the reduction or limitation of armaments and the attainment of an agreement to observe some limitations upon the use of force for the collection of ordinary public debts arising out of contracts.	1104
	Mr. Root to Mr. Riddle (telegram).	Mar. 27	Same subject. Informs him that Belgium offers no objection to proposal for adherence of nonsignatories when assent of all signatories is given. Says department understands that Turkey, although signatory, has not ratified convention of 1899 and is not represented in permanent court, and directs him to inquire if, under these circumstances, Turkey is to be treated as a party to The Hague engagements on same footing as signatories to the convention. Instructs him also to inquire as to when the announcement of the date of second conference may be expected.	1115

RUSSIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram).....	1907. Mar. 30	Same subject. Communicates note verbale from the Belgian Government, sets forth the views of the department relative thereto, and instructs him to impress these views on the Russian Government.	1117
	Mr. Riddle to Mr. Root (telegram).	Apr. 2	Same subject. Reports that Russia is urging Turkey to ratify convention, and says in case of non-compliance Russian minister for foreign affairs agrees with the view that the requirements of article 60 will be fulfilled by the assent of all contracting powers. Says notification to nonsignatory powers will shortly be made by Russian ambassador at Washington to their representatives there, and that invitations to second conference will probably be issued next week by the Government of the Netherlands.	1118
	Mr. Bacon to Mr. Riddle (telegram).	...do....	Same subject. Acknowledges telegram, and says if Turkish Government ratifies convention before meeting of conference such ratification should be accompanied by assent under Article 60, so that no question thereunder can be revived and operate to delay notification to nonsignatories.	1118
	Mr. Riddle to Mr. Root (telegram).	Apr. 4	Same subject. Reports that Russian ambassador to Turkey has been instructed to inform Turkish Government that if it ratifies the convention it should at the same time assent to Russian circular regarding nonsignatories.	1119
	Baron Rosen to Mr. Root.....	...do....	The Second Peace Conference. Communicates to the Secretary of State, by direction of his Government, the remarks and reservations conveyed to that Government by the several powers invited to the Second Peace Conference, and the information that the programme of Apr., 1906, is maintained as the basis for the deliberations of the conference.	1107
	Mr. Root to Baron Rosen...	Apr. 6	Same subject. Acknowledges note of the 4th instant, and informs him that due note has been taken of his important communication.	1109
27	Mr. Riddle to Mr. Root.....	...do....	Same subject. Refers to legation's telegram of the 4th instant and incloses copy of a notice of Apr. 5, 1907, relative to Turkey's consent to the mode of adherence to the convention of 1899.	1120
	Mr. Bacon to Mr. Riddle (telegram).	Apr. 10	Famine in Russia. Directs him to draw for \$5,000 received from American Red Cross.	976
	Same to same.....	Apr. 11	Same subject. Confirms telegram, communicating \$5,000.	976
31	Mr. Riddle to Mr. Root.....	Apr. 18	Same subject. Confirms department's telegram of 10th instant, and incloses receipt for \$5,000.	977
38	Same to same.....	May 3	Sessions of the Douma—Election laws—General affairs in Russia. Enumerates laws passed by the Douma, which has adjourned for a two weeks' Easter recess.	985
	Mr. Bacon to Mr. Riddle (telegram).	May 15	Famine in Russia. "Draw for \$3,000 and pay Russian Red Cross, relief famine sufferers, received from American Red Cross."	977
	Mr. Root to Mr. Riddle (telegram).	May 24	The open-door policy in Manchuria—Establishment of custom-houses and opening of ports to international trade. Directs him to impress upon the minister for foreign affairs the interest felt by this Government in the reestablishment of normal conditions throughout Manchuria and the fact that the Government of the United States should greatly appreciate such action by the Government of Russia as would lead to the early establishment of Chinese customs-houses on the Russo-Chinese frontier. States that this step would have much effect in hastening the regularization of commercial conditions in southern Manchuria.	131
40	Mr. Riddle to Mr. Root.....	May 25	Famine in Russia. Confirms department's telegram of May 15, incloses receipt for \$3,000, and transmits two letters from Russian Red Cross, conveying thanks of Empress Dowager for same.	978

RUSSIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Riddle to Mr. Root (telegram).	1907. May 30	The open-door policy in Manchuria—Establishment of custom-houses and opening ports to international trade. Reports that in compliance with telegraphic instructions he has communicated with the minister for foreign affairs on the subject of the establishment of Chinese custom-houses, and that the minister replied that the negotiations are very nearly completed at Peking, but that the Chinese Government objects to four points, the most important of which is that relating to the 50 versts free zone.	132
44	Same to same.....	June 1	Same subject. Incloses text of telegrams from and to department, and reports details of conversation with the minister of foreign affairs relative to the establishment of customs-houses on the Russo-Chinese frontier in Manchuria.	132
	Mr. Bacon to Mr. Riddle (telegram).	...do....	Famine in Russia. Draw for \$1,000, received from American Red Cross.	977
45	Mr. Riddle to Mr. Root.....	June 3	Same subject. Incloses receipt of Russian Red Cross for \$1,000.	979
	Same to same (telegram)....	June 16	Sessions of the Douma—Election laws—General affairs in Russia. Douma dissolved this morning by imperial proclamation.	985
72	Same to same.....	July 27	Same subject. Incloses copy of new election law which will govern the elections to the third Douma.	985
78	Same to same.....	Aug. 9	Same subject. Incloses copy of supplement to the election law forwarded with his dispatch of July 27.	999
	Memorandum from the Russian embassy.	Aug. 14	Treaty between Japan and Russia, guaranteeing the present territory of each, the integrity of China, and the principle of the "open door" in that empire. Transmits text of the stipulation.	765
	Memorandum to the Russian embassy.	Aug. 16	Same subject. Acknowledges memorandum of the 14th instant, and states that the Government of the United States has taken due note of this important communication.	766
95	Mr. Riddle to Mr. Root.....	Sept. 14	Fishery convention between Japan and Russia. Transmits copy of convention.	784
110	Mr. Schuyler to Mr. Root...	Sept. 28	Convention between Russia and Great Britain concerning interests of their States on the Continent of Asia. Transmits text.	980
72	Mr. Root to Mr. Schuyler...	Nov. 9	Famine in Russia. Incloses letter from Secretary of American Red Cross asking if further relief funds are needed in Russia, as they are on deposit in United States if wanted.	979
	Mr. Schuyler to Mr. Root (telegram).	Nov. 14	Sessions of the Douma—Election laws—General affairs in Russia. Third Douma formally opened to-day.	1002
164	Same to same.....	Dec. 10	Famine in Russia. States famine still exists and relief funds are needed.	980

SIAM.

	Mr. Root to Mr. King.....	1907. Jan. 30	Regulations for preventing collisions at sea. (See instruction of Jan. 30, 1907, to Ambassador Francis.)	1
312	Mr. King to Mr. Root.....	Mar. 28	Treaties between Siam and France. Incloses copies of certain treaties.	1003

SPAIN.

	Mr. Root to Mr. Collier.....	1907. Jan. 30	Regulations for preventing collisions at sea. (See instruction of Jan. 30, 1907, to Ambassador Francis.)	1
107	Mr. Bacon to Mr. Collier....	Feb. 18	Reciprocal protection of trade-marks and copyrights in China. Incloses copies of agreements made by the United States for Morocco and China relative to the reciprocal protection of trade-marks in those countries, together with a copy of a dispatch from the American minister at Peking on the subject, and asks to be informed as to whether the lack of consular jurisdiction in China exists also in Morocco.	248

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No.	From and to whom.	Date.	Subject.	Page.
288	Mr. Collier to Mr. Root.....	1907. Apr. 6	Same subject. Refers to instruction No. 107, and incloses copy of a note from the minister for foreign affairs concerning the jurisdiction of Spanish consular officers in Morocco relative to the protection of trade-marks.	251
292	Same to same.....	Apr. 11	Status of child born of foreign parents and adopted by an American citizen. Incloses correspondence had with the consul at Malaga relative to the citizenship of a child born in Spain of British parentage and adopted by an American citizen. Application to have the child registered as an American citizen was refused by the consul upon instructions from the legation.	1015
120	Mr. Root to Mr. Collier.....	May 1	Same subject. Approves action reported in No. 292.	1016
352	Mr. Collier to Mr. Root.....	June 15	Agreement of Spain with France and Great Britain for the preservation of their territorial status quo in the Mediterranean and on the Atlantic coasts of Europe and Africa. Incloses copies of the agreements.	1018
358	Same to same.....	June 19	Payment of Spanish indemnity under treaty of 1834. Incloses copy of law authorizing the minister of the treasury to pay the debt to the United States acknowledged in the convention of February 17, 1834.	1008
375	Same to same.....	July 31	Arbitration treaty between Spain and Switzerland. Incloses copy of treaty exchanged between Spain and Switzerland on July 9.	1014
143	Mr. Adee to Mr. Collier.....	Aug. 2	Payment of the Spanish indemnity under the treaty of 1834. Incloses copy of a memorandum setting forth the manner, time, and place of payment of the inscriptions of 1834.	1009
145	Same to same.....	Aug. 3	Reciprocal protection of trade-marks and copyrights in China. Refers to previous correspondence concerning the protection of United States and Spanish trade-marks in China, incloses copy of a dispatch from the American minister at Peking reporting that the Spanish minister at that place does not regard himself as able to effect the agreement unless he receives specific instructions, and expresses the hope that the instructions will be given.	257
	Mr. Walls to Mr. Root.....	Aug. 9	Political affairs in Morocco. Communicates to the department by direction of his Government translation of the text of a telegram relative to the recent outrages committed at Casablanca.	891
	Same to same.....	Aug. 12	Payment of the Spanish indemnity under the treaty of 1834. Incloses two checks, one for \$28,500 and the other for \$570,000, in settlement of the principal and interest due on the debt of 1834.	1011
	Mr. Adee to Mr. Collier (telegram).	Aug. 13	Same subject. Informs him of the payments made by the Spanish chargé.	1012
	Mr. Adee to Mr. Walls.....	Aug. 17	Political affairs in Morocco. Acknowledges memorandum relative to the action which the Governments of Spain and France found necessary to take in order to suppress the Casablanca disturbances.	893
	Same to same.....	Sept. 10	Payment of the Spanish indemnity under the treaty of 1834. Acknowledges note of Aug. 12, containing two checks, and asks that the department be advised as to the manner in which the tendered \$570,000 has been computed as the equivalent of the stipulated treaty debt.	1012
403	Mr. Collier to Mr. Root.....	Sept. 24	Reciprocal protection of trade-marks and copyrights in China. Refers to instruction No. 145 of Aug. 3 and dispatch No. 395 of Aug. 30, and incloses copy of a note from the minister for foreign affairs relative to Spanish consular jurisdiction in Spain and Morocco.	261
	Mr. Pastor to Mr. Adee.....	Sept. 25	Payment of the Spanish indemnity under the treaty of 1834. Acknowledges note of the 10th instant addressed to Mr. Walls and gives information requested.	1013
415	Mr. Buckler to Mr. Root....	Oct. 18	Decorations conferred upon American citizens prior to their receiving appointment in the diplomatic service. Requests to be informed whether he may wear in Madrid on full-dress occasions the plaque of the order of Carlos III, which decoration was conferred upon him by the Spanish Government when he served as secretary of the American special embassy.	1016

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No.	From and to whom.	Date.	Subject.	Page.
58	Mr. Root to Mr. Pastor.....	1907. Nov. 4	Payment of the Spanish indemnity under the treaty of 1834. Makes formal acknowledgment of note of Aug. 12 and incloses receipts.	1013
244	Mr. Bacon to Mr. Buckler...	Dec. 17	Decorations conferred upon American citizens prior to their receiving appointment in the diplomatic service. Acknowledges his No. 415, of Oct. 18, and states that while, in view of all the circumstances, he is not prohibited by law from receiving and wearing the decoration, the department believes that diplomatic officers of the United States should seek to observe the intentment and spirit of the prohibition rather than merely to be governed by its literal scope.	1017

SWEDEN.

96	Mr. Graves to Mr. Root.....	1907. Jan. 16	Political condition. Reports the opening of the Riksdag and certain important matters being considered by it.	1021
	Mr. Root to Mr. Graves.....	Jan. 30	Regulations for preventing collisions at sea. See instruction of Jan. 30, 1907, to Ambassador Francis.	1
105	Mr. Graves to Mr. Root.....	May 25	Political conditions. Reports generally on the political situation.	1022
	Mr. de Lagercrantz to Mr. Root.	Sept. 25	Increase of taxes in Cairo. Asks views of this Government in regard to the proposed increase of taxes in Cairo with a view to the construction of a sewer system.	1083
33	Mr. Bacon to Mr. de Lagercrantz.	Oct. 4	Same subject. Acknowledges note on the 25th ultimo and informs him that the department is awaiting a report on the subject from the American consul-general at Cairo.	1084
36	Mr. Adee to Mr. de Lagercrantz.	Oct. 12	Same subject. Refers to previous notes and states that the agent of the United States at Cairo having reported that American interests will be slightly, if at all, affected by the proposed increase of the tax on rental valuation of realty, he has been instructed that he may assent thereto, if the assent of the United States be necessary to insure unanimity.	1084
	Mr. Graves to Mr. Root (telegram).	Dec. 8	Death of King Oscar II of Sweden and the accession to the throne of King Gustav V. "King Oscar of Sweden died this morning."	1019
	Mr. Roosevelt to the King of Sweden (telegram).	...do....	Same subject. "I deeply sympathize with Your Majesty and with the people of Sweden in the loss of an honored father and a venerated sovereign."	1019
	Mr. Adee to Mr. Graves (telegram).	...do....	Same subject. "The President has cabled a message of sympathy. The legation will show all due respect to the late king's memory."	1019
	Mr. Ekengren to Mr. Root...	...do....	Same subject. Makes official announcement of the death of the king.	1019
42	Mr. Bacon to Mr. Ekengren.	Dec. 9	Same subject. Acknowledges note of the 8th instant and quotes telegram sent by the President to the King of Sweden.	1020
	Mr. Graves to Mr. Root (telegram).	Dec. 10	Same subject. States that the funeral will take place on the 19th instant; that Great Britain, Germany, Austria, and other countries will be represented by a member of the royal family, and that France will probably have special representatives.	1020
	Mr. Root to Mr. Graves (telegram).	Dec. 11	Same subject. Instructs him to represent the President at the funeral of the king.	1020
142	Mr. Graves to Mr. Root.....	...do....	Same subject. Incloses copy of the official announcement of the death of King Oscar II and of the ascension to the throne of Gustav V.	1020

SWITZERLAND.

	Mr. Vogel to Mr. Root.....	1907. Mar. 14	Deportation of persons merely charged with crime. Incloses copy of letter from the Swiss consul in New York requesting that a certain Swiss fugitive from justice be detained at Ellis Island and returned to Switzerland on account of embezzlement of certain moneys.	1043
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SWITZERLAND—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Bacon to Mr. Vogel.....	1907. Mar. 16	Same subject. Acknowledges note of the 14th instant and informs him that the immigration laws of the United States provide for the deportation of fugitives who have been convicted of crime, but not for those who have merely been charged with crime and fled to this country. Outlines appropriate course to follow in order to secure the detention of the fugitive.	1044
	.....	Aug. 3	Convention for the amelioration of the condition of the wounded of the armies in the field. Text.	1024
	Mr. de Pury to Mr. Root.....	Sept. 3	Application to other countries of the administrative provisions of the commercial agreement between the United States and Germany. Refers to the reduction in customs duties on certain articles from Switzerland guaranteed to that country in the President's proclamation of Jan. 1, 1906, asks that champagne and sparkling wines be added to the list enjoying the reduced rates, and requests that the five chambers of commerce mentioned in his note be placed on the same footing as the German chambers of commerce.	502
	Mr. Vogel to Mr. Root.....	Nov. 20	Same subject. Refers to department's note of Sept. 27, and to legation's note of Sept. 3, gives the status of certain chambers of commerce of Switzerland and requests that they be placed on the same footing as the German chambers of commerce.	504
58	Mr. Bacon to Mr. Vogel.....	Dec. 6	Same subject. Refers to previous correspondence, relative to the extension to the Swiss chambers of commerce of the modifications of the customs regulations of the United States in connection with its new commercial treaty with Germany, and informs him that his request is having consideration.	508
60	Same to same.....	Dec. 13	Same subject. Refers to the legation's note of Nov. 20, and the department's note of Dec. 6, and informs him that the Secretary of the Treasury has advised the department that the provisions of Point "F" of the diplomatic note annexed to the agreement with Germany have been extended to the Swiss chambers of commerce mentioned therein.	508

TURKEY.

(See also Egypt.)

1077	Mr. Bacon to Mr. Leishman.	1906. Apr. 28	Restrictions on the importation of typewriting machines. Incloses letter from the President of the Remington Typewriter Company protesting against the customs requirements of the Turkish Government as respects the importation of typewriters. Instructs him to bring the matter to the attention of the Turkish Government with a view to securing the desired relief.	1073
190	Mr. Leishman to Mr. Root..	1907. Feb. 22	Equal treatment for American institutions. Reports taking the matter up with the Sultan.	1046
197	Same to same.....	Mar. 4	Same subject. Reports further delays, and incloses copies of memoranda left at the foreign office.	1046
	Same to same (telegram)....	Mar. 5	Same subject. Explains his course in endeavoring to secure equal treatment.	1050
	Mr. Bacon to Mr. Leishman (telegram).	Mar. 6	Same subject. Points out that the repeated and apparently chronic delay and evasiveness in fulfilling the promises from time to time made by the Sultan and by the Porte have always tended to excite regret and dissatisfaction on the part of this Government, and that the continued delays can not fail to cause an unfavorable impression on the mind of the President. Directs him to impress this upon His Majesty.	1050
163	Same to same.....	Mar. 15	Same subject. Refers to telegrams exchanged with the embassy, and states that the department will await the result of his request for an audience of His Majesty.	1050

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Root to Mr. Leishman (telegram).	1907. Mar. 22	The Second Peace Conference. Refers to Russian circular of April last, and directs him to ascertain whether Turkey will acquiesce in the proposed formalities for the adhesion of nonsignatories to The Hague Convention of 1899 relative to the peaceful settlement of international conflicts.	1114
	Mr. Leishman to Mr. Root (telegram).	Apr. 1	Increase of Turkish customs duties. Reports in regard to the determination of the Turkish Government to increase the Turkish customs duties from 8 to 11 per cent without consulting the United States.	1051
	Mr. Bacon to Mr. Leishman (telegram).	Apr. 3	Same subject. Informs him that the department has sent a telegram to London to ascertain whether the British Government has formed any opinion as to Turkey's contention, which appears to subordinate the commercial interests of unconsulted favored-nation powers, including several minor European states, to the accord of the Berlin treaty powers.	1052
	Mr. Leishman to Mr. Root (telegram).	Apr. 10	Same subject. Reports in regard to the compromise proposal adopted by the European concert.	1052
	Mr. Bacon to Mr. Leishman (telegram).	Apr. 13	Same subject. States that he is authorized to say to the Turkish Government that the consent of the United States to the customs increase will depend upon the satisfactory adjustment of the questions now pending. Reviews the demands.	1053
	Mr. Leishman to Mr. Root (telegram).	Apr. 14	The Second Peace Conference. Reports the adhesion of Turkey to the Russian proposition regarding the attendance of the nonsignatory powers to the next Hague conference.	1121
	Same to same (telegram).....	May 3	Increase of Turkish customs duties. Outlines note received from the foreign office granting certain concessions, and asks whether in view of these concessions the department authorizes him to give our adhesion to the customs increase. States that the representatives of all the great European powers have already signed.	1053
	Mr. Root to Mr. Leishman (telegram).	May 4	Same subject. Informs him that he is authorized to give the adhesion of this Government to customs increase.	1054
265	Mr. Leishman to Mr. Root..	May 15	Same subject. Incloses note from foreign office outlined in his telegram of the 3d instant. Also incloses telegram from the American consul-general at Beirut stating that all American establishments in Syria have been officially recognized; a testimonial of the officers of the Western Turkey Mission; and a note from the foreign office requesting adhesion to the customs increase.	1054
	Same to same (telegram)....	May 27	Same subject. Reports that the agreements of the porte concerning the granting of customs immunities and the removal of building restrictions at Cesarea have been put into practical execution. States that he will try to secure satisfactory adjustment of some other questions before admitting adhesion to customs increase.	1057
277	Same to same.....	May 28	Same subject. Transmits two notes addressed to the sublime porte with the intention of placing on record a definite statement of the concessions granted to American institutions and cotton-seed interests, and intimating that as soon as the remaining details were disposed of the United States would give consideration to the porte's request that it acquiesce in the proposed customs increase.	1057
215	Mr. Root to Mr. Leishman..	June 7	Same subject. Acknowledges No. 265, and commends action reported.	1062
27	Same to same.....	June 10	Restrictions on the importation of typewriting machines. Incloses copy of letter from the vice-president of the Remington Typewriter Company, complaining of the action of the Turkish customs officials at Trebizond in forcibly detaining certain Remington typewriters. Calls attention to previous protests made by this Government, and directs him to bring the matter to the urgent attention of the porte, requesting the immediate release of the machines, unless adequate cause for their detention shall appear.	1074
298	Mr. Leishman to Mr. Root..	June 12	Protection of American citizens against acts of brigandage. Transmits a petition of American residents of Smyrna requesting that he demand the suppression of brigandage in Turkey. Incloses copy of his note on the subject to the sublime porte.	1071

LIST OF PAPERS.

XXXIX

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Leishman to Mr. Root (telegram).	1907. June 15	Increase of Turkish customs duties. Reports satisfactory settlement of the Manoukian case, which involves the recognition by the sublime porte of the competency of American consular courts alone to decide as to the legal heirs of an American citizen.	1063
301	Same to same.....	June 17	Settlement of the Manoukian estate. Reports the settlement of the long-pending Manoukian estate, which involved the competency of the American consular courts alone to determine legal heirs of an American citizen.	1063
	Mr. Root to Mr. Leishman (telegram).	...do.....	Increase of Turkish customs duties. Acknowledges telegram of the 15th instant and extends congratulations.	1063
308	Mr. Leishman to Mr. Root..	June 22	Removal of restrictions on American patent medicines imported into Turkey. Reports receipt of note from the foreign office giving notice of the removal of restrictions.	1069
225	Mr. Adee to Mr. Leishman..	June 28	Increase of Turkish customs duties. Acknowledges No. 277; congratulates him upon his wise management of this important and difficult negotiation.	1063
227	Mr. Bacon to Mr. Leishman.	July 2	Protection of American citizens against acts of brigandage. Acknowledges No. 298, approves action, and states that it is desirable where ground may exist for apprehending acts of brigandage against American citizens or property, to emphasize in advance the duty and responsibility of the Turkish Government to use its police authority to prevent such acts. By so doing sound basis is laid for claiming due redress if proper protection be not afforded.	1072
321	Mr. Leishman to Mr. Root..	July 12	Restrictions on the importation of typewriting machines. Acknowledges instructions, and explains that the difficulty arose from the fact that the typewriters were in Arabic-Turkish characters and as such violated the official regulations directed against the employment of such machines on the ground of their being utilized for the publication of revolutionary literature.	1075
245	Mr. Bacon to Mr. Leishman.	Aug. 8	Settlement of the Manoukian estate. Acknowledges No. 301, congratulates the ambassador, and expresses gratification at the recognition of the principle involved.	1065
	Mr. Leishman to Mr. Root (telegram).	Oct. 3	Extradition procedure. Reports that the extradition of Levan Kritichian, now held by the New York police commissioner, has been requested by the minister for foreign affairs. Sets forth crimes with which Kritichian is charged.	1070
	Mr. Bacon to Mr. Leishman (telegram).	Oct. 5	Same subject. Refers to telegram of Oct. 3, and outlines procedure to be followed.	1070
471	Mr. Brown to Mr. Root.....	Nov. 2	Citizenship of Nicholas and Theodore S. Theodore. States that the brothers claim citizenship by right of birth in the United States after naturalization of their father, and that both have lived in Turkey since early childhood. Recites other circumstances in regard to the brothers.	1066
287	Mr. Root to Mr. Brown.....	Nov. 13	Opening by Turkish authorities of mail addressed to American missionaries. Incloses correspondence and directs him to remind the sublime porte of its assurance given in 1892, and the positive orders which it issued in the latter part of April of that year not to detain letters addressed to Americans.	1067
297	Mr. Bacon to Mr. Brown....	Nov. 26	Same subject. Incloses copy of letter from the American Board of Commissioners for Foreign Missions; also one from the Postmaster-General on the subject.	1068
493	Mr. Brown to Mr. Root.....	Nov. 29	Same subject. Incloses copy of note addressed to the sublime porte reminding it of its assurances in 1892, and the positive orders which it issued in the latter part of that year, that letters addressed to Americans be not detained.	1069
302	Mr. Bacon to Mr. Brown....	Dec. 20	Citizenship of Nicholas and Theodore S. Theodore. States that being born in the United States the the brothers were born citizens thereof, and that the extraterritorial jurisdiction which this Government claims in Turkey requires the United States to claim the right of protection and jurisdiction over citizens who are resident in Turkey, unless there be some act of such citizens amounting to expatriation. Adds that it is not believed that the facts so far developed establish such expatriation.	1066

URUGUAY.

No.	From and to whom.	Date.	Subject.	Page.
240	Mr. O'Brien to Mr. Root.....	1907. Feb. 22	Message of the President of Uruguay. Transmits copy of the message.	1086
244	Same to same.....	Mar. 2	Election of Dr. Claudio Williman as President of Uruguay. Makes detailed report in regard to the election.	1088
	Mr. Bacon to Mr. Lafinur...	Mar. 5	The Second Peace Conference. (See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.)	1113
246	Mr. O'Brien to Mr. Root.....	Mar. 6	Election of Dr. Claudio Williman as President of Uruguay. Incloses copies of correspondence had with the foreign office in regard to the election of Dr. Williman.	1089
321	Same to same.....	Sept. 26	Law abolishing the death penalty in Uruguay. Transmits copy of the law.	1085

VENEZUELA.

	Mr. Root to Mr. Russell.....	1907. Jan. 30	Regulations for preventing collisions at sea. (See instruction of Jan. 30, 1907, to Ambassador Francis.)	1
	Mr. Bacon to Mr. Guzman...	Mar. 5	The Second Peace Conference. (See note of Mar. 5, 1907, from Mr. Bacon to Mr. Nabuco.)	1113
	Mr. Guzman to Mr. Root.....	Mar. 14	Same subject. Acknowledges department's note of the 5th instant, and says his Government has informed the Netherlands Government of the adhesion of Venezuela to the second and third conventions of 1899.	1125
191	Mr. Russell to Mr. Root.....	May 6	Recognition of Mr. Simon Planas Suarez, a native Venezuelan, as Nicaraguan Minister to Venezuela. Incloses copy of correspondence had with the foreign office on the subject, and requests opinion of the department.	1091
203	Same to same.....	June 5	Message of the President and report of the minister for foreign affairs. Transmits copies.	1093
92	Mr. Adee to Mr. Russell.....	June 28	Recognition of Mr. Simon Planaz Suarez, a native Venezuelan, as Nicaraguan minister to Venezuela. Informs him the right of a government to decline to receive one of its own citizens as the representative of another government is generally recognized and has been asserted on several occasions by the Government of the United States. Recites the case of Señor Camacho. States that these remarks are offered merely as of historic and academic interest. Adds that the case of Señor Suarez does not appear to call for any formal expression of opinion in the absence of any case arising affecting his relations to the other members of the diplomatic corps in any matter affecting diplomatic privileges.	1092
231	Mr. Russell to Mr. Root.....	Aug. 30	Opening of the Port of Pampatar, Margarita Island. Incloses translation of executive decree.	1097
258	Same to same.....	Dec. 7	Registration of Porto Ricans. Requests information in regard to the registration of Porto Ricans.	1096
114	Mr. Root to Mr. Russell.....	Dec. 21	Same subject. Informs him that the department has ruled that Porto Ricans may be registered under the same regulations as are applicable to citizens of the United States, the forms being so amended as to describe them as citizens of Porto Rico.	1997

GUATEMALA AND HONDURAS.

IMPRESSMENT OF ALIENS INTO THE MILITARY SERVICE OF GUATEMALA.

File No. 7335/-4.

Chargé Brown to the Secretary of State.

No. 43.]

AMERICAN LEGATION,
Guatemala, June 11, 1907.

SIR: I have the honor to submit copies of correspondence in regard to the protection of Americans from military exactions in the consular district of Livingston.

I have, etc.,

PHILIP BROWN.

[Inclosure 1.]

Consul-General Kent to Chargé Brown.

No. 458.]

AMERICAN CONSULAR SERVICE,
Guatemala City, June 8, 1907.

SIR: Herewith I inclose you a copy of a letter received from Mr. Reed, American consular agent at Livingston, in reference to a condition of affairs existing within his jurisdiction, which he fears may become applicable to American citizens.

I am unable to advise him myself, and refer the matter to you and will transmit to him your opinion upon the subject.

I am, etc.,

WM. P. KENT.

[Subinclosure.—Extract.]

Consular Agent Reed to Consul-General Kent.

AMERICAN CONSULAR AGENCY,
Livingston, June 1, 1907.

SIR: I desire you to instruct me as to how I am to proceed to protect American citizens in case the military authorities of this vicinity force those Americans into military service who are not registered in the office of the minister of foreign affairs of Guatemala, and are therefore not provided with a certificate of registration, in conformity with the "Ley de Extranjería de la República de Guatemala."

According to this law (article 41), the authorities of Guatemala can not recognize any American citizen as such who is not provided with a certificate of the fact that he is registered as such American citizen in the office of the minister of foreign relations at Guatemala City.

Yours, very truly,

EDWARD REED.

589

[Inclosure 2.]

Chargé Brown to Consul-General Kent.

No. 11.]

AMERICAN LEGATION,
Guatemala, June 11, 1907.

SIR: I am in receipt of yours of the 8th instant in regard to the protection of Americans from military exactions in the consular district of Livingston and inclose herewith for your information a copy of the telegram which I have this day sent Consular Agent Reed on this subject.

I am, etc.,

PHILIP BROWN.

[Subinclosure.—Telegram.]

*Chargé Brown to Consular Agent Reed.*AMERICAN LEGATION,
Guatemala, June 11, 1907.

Referring to yours of June 1 to Consul-General Kent, I would state for your guidance that the American Government reserves to itself alone the right to decide who are entitled to the protection of an American passport, and that in any case of doubt it is expected the Guatemalan authorities will always show consideration and await the final disposition of the case between this legation and the Guatemalan Government.

PHILIP BROWN.

File No. 7335/-4.

The Acting Secretary of State to Minister Lee.

No. 140.]

DEPARTMENT OF STATE,
Washington, August 13, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 43 of June 11 last, with inclosures, in regard to the protection of American citizens from military exactions in the consular district of Livingston.

The language of your telegram to Consular Agent Reed seems a little too broad in its statement that "The American Government reserves to itself alone the right to decide who are entitled to the protection of an American passport." On several occasions this Government has emphasized its right to determine who are entitled to its protection as citizens, and, while asserting that right and holding that a passport is prima facie evidence of citizenship and should be so respected, we have admitted the right of the foreign government to traverse the evidence of a passport by showing fraud in its procurement, or illegal naturalization, or forfeiture of the right to protection.

I am, etc.,

ALVEY A. ADEE.

PROTECTION OF CHINESE IN GUATEMALA.^a

File No. 1012/4.

Chargé Brown to the Secretary of State.

No. 441.]

AMERICAN LEGATION,
Guatemala, August 29, 1906.

SIR: I have the honor to submit copies of correspondence concerning the arrest of the Chinese Ramon Chan, whose complaint against

^a See Foreign Relations, 1906, p. 823.

local authorities was transmitted for the consideration of the Guatemalan minister for foreign affairs.

I have, etc.,

PHILIP BROWN.

[Inclosure 1.]

Chargé Brown to the Minister for Foreign Affairs.

No. 343.]

AMERICAN LEGATION,
Guatemala, August 2, 1906.

EXCELLENCY: I have the honor to transmit for the information of your excellency copy of a telegram just received from one Ramon Chan, of presumably Chinese nationality.

I am confident that if the allegations of the above-mentioned Chinaman should appear to be based on facts your excellency will feel prepared to take at once the necessary steps for the complete alleviation of his situation without his being required to offer bail, as his telegram suggests.

I have, etc.,

PHILIP BROWN.

[Subinclosure.—Telegram.—Translation.]

Mr. Ramon Chan to Minister Combs.

MAZATENANGO, *August 2, 1906.*

Desperate on account of the procedure of the parents of my wife, having exploited me iniquitously and tired of their injuries, I committed a fault for which I think I was excessively punished by the judge of peace of San Antonio, with forty days' imprisonment, commutable at \$5 per day. Being occupied in my business, the judge of first instancia ordered my capture, bringing me yesterday to this capital of province to be newly tried for the same cause, what I consider unjust. I earnestly beg of you to interpose your good offices with the President of the Republic, so that they will set me at liberty, though it may be under bail.

RAMON CHAN.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Chargé Brown.

DEPARTMENT OF STATE,
Guatemala, August 11, 1906.

HONORABLE SIR: I have the honor to communicate to you that your note relative to the complaint of the Chinese Ramon Chan was transcribed opportunely to the minister of "Gobernacion," requesting him to kindly recommend that he be put at liberty under bail, and asking a report on the matter, which I will transmit to you as soon as received in my department.

I reiterate the sentiments of my distinguished consideration.

S. JUAN BARRIOS M.

[Inclosure 3.—Telegram.—Translation.]

Mr. Ramon Chan to Minister Combs.

SAN ANTONIO, *August 27, 1906.*

Giving your excellency a thousand thanks for you kindness, and at present I have been set free under bail. In my next letter I will give you more details of my affair. Wishing you happiness in union of your esteemed family.

RAMON CHAN.

File No. 1012/-4.

The Acting Secretary of State to Chargé Brown.

No. 293.]

DEPARTMENT OF STATE,
Washington, September 18, 1906.

SIR: I have to acknowledge the receipt of your dispatch No. 441, of the 29th ultimo, transmitting correspondence relating to the imprisonment of Ramon Chan.

It would appear that the Chinese nationality of Mr. Ramon Chan had not been positively ascertained, but had been inferred from his name.

I am, etc.,

ALVEY A. ADEE.

File No. 1012/-4.

The Acting Secretary of State to the Chinese Minister.

No. 78.]

DEPARTMENT OF STATE,
Washington, September 18, 1906.

SIR: I have the honor to inclose for your information a copy of a dispatch from the legation in Guatemala City, transmitting correspondence relating to the exercise of the good offices of the American chargé d'affaires ad interim in behalf of Mr. Ramon Chan, who is referred to as presumably of Chinese nationality.

It would appear that the Chinese nationality of Mr. Ramon Chan had not been positively ascertained, but had been inferred from his name.

Accept, etc.,

ALVEY A. ADEE.

File No. 1012/5.

Minister Combs to the Secretary of State.

No. 516.]

AMERICAN LEGATION,
Guatemala, January 23, 1907.

SIR: I have the honor to report that the Chinese Mingmon Sing Sang recently complained to me that a clerk in his employ having had a dispute with a native woman over the sale of a shawl a policeman entered his shop and arrested the employee, beating him over the shoulders with his club.

I made representations to the chief of police, informally, concerning the occurrence, and the latter, having already made an investigation and being convinced of the correctness of the Chinaman's account, offered to have the policeman punished and dismissed from the force for punishment and example.

This was satisfactory to the Chinese concerned, and I acquiesced.

I have, etc.,

LESLIE COMBS.

File No. 1012/5.

The Acting Secretary of State to Minister Combs.

No. 322.]

DEPARTMENT OF STATE,
Washington, February 12, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 516, of the 23d ultimo, reporting the successful use of your good offices to obtain redress for a clerk of a Chinese firm, who had been arrested and assaulted by a Guatemalan policeman.

Your friendly intervention in behalf of this Chinese subject is approved by the department.

I am, etc.,

ROBERT BACON.

The Chinese Minister to the Secretary of State.

[Personal.]

IMPERIAL CHINESE LEGATION,
Washington, February 25, 1907.

MY DEAR MR. SECRETARY: I beg to acknowledge, with thanks, the receipt of your personal note of the 13th instant, inclosing a copy of a dispatch from the American minister to Guatemala, in which he reports that a clerk of a Chinese subject having been arrested and assaulted by a Guatemalan policeman, he used his good offices in behalf of the injured man and obtained satisfactory redress, and to request that you will kindly convey to Minister Combs the assurance of my sincere appreciation of his righteous action in this matter.

I am, my dear Mr. Secretary, very sincerely, yours,

CHENTUNG LIANG CHENG.

File No. 1012/6.

The Secretary of State to Chargé Brown.

No. 327.]

DEPARTMENT OF STATE,
Washington, February 28, 1907.

SIR: Referring to Mr. Coombs's No. 516 of the 23d ultimo, I inclose a copy of a note from the Chinese minister at Washington, expressing his appreciation of the action of the legation in obtaining redress for a Chinese subject who had been assaulted by a Guatemalan policeman.

I am, etc.,

E. ROOT.

File No. 1012/7-8.

Chargé Sands to the Secretary of State.

No. 42.]

AMERICAN LEGATION,
Guatemala, December 6, 1907.

SIR: I have the honor to transmit a letter or petition addressed by several Chinese merchants in good standing in this community to the

Chinese minister to the United States on the subject of the recent rigorous application of the exclusion laws of this Republic to the Chinese race.

I shall report fully to the department upon this subject by the next mail.

The action taken by the Chinese in this matter has been by my advice.

I have, etc.,

W. F. SANDS.

File No. 1012/7-8.

The Secretary of State to the Chinese Chargé.

No. 100.]

DEPARTMENT OF STATE,
Washington, December 26, 1907.

SIR: I have the honor to inclose herewith a letter, or petition, addressed to the minister of China to the United States by several Chinese merchants in Guatemala, on the subject of the recent application of the exclusion laws of that country to persons of the Chinese race.

The letter was transmitted by the signers through the American legation at Guatemala City.

Accept, sir, etc.,

ELIHU ROOT.

File No. 1012/7-8.

The Secretary of State to Chargé Sands.

DEPARTMENT OF STATE,
Washington, December 26, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 42, of the 6th instant, transmitting a letter, or petition, addressed to the minister of China to the United States by several Chinese merchants in Guatemala, on the subject of the recent application of the exclusion laws of that country to persons of the Chinese race.

In reply I have to inform you that the letter has been forwarded to the Chinese chargé d'affaires ad interim at this capital.

I am, etc.,

E. ROOT.

File No. 1012/9-15.

Chargé Sands to the Secretary of State.

No. 45.]

AMERICAN LEGATION,
Guatemala, December 13, 1907.

SIR: Referring to my No. 42 of December 6, I have the honor to transmit copies of the decrees issued since 1896 by the President of Guatemala relative to Chinese immigration into this Republic.

I desire to call attention to the latest decree, permitting Chinese residents in this country to leave it, but with the understanding that they are not to return (inclosure 6).

A strict adherence to this decision would undoubtedly work great hardship to the reputable Chinese merchants of this country who are all known in the communities in which they live beyond the possibility of mistake.

A delegation of these men came to this office to request that the legation take some action in the matter. I explained to them that they must refer it to the Chinese ambassador at Washington, and advised them to call upon the minister for foreign affairs before doing so and obtain from him a clear statement as to the meaning of the decree. I told them that after they had done this and made their protest of the Guatemalan Government I would forward their petition to Washington and report upon this subject myself.

I have, etc.,

W. F. SANDS.

[Inclosure 1.]

Messrs. Chang et al. to Chargé Sands.

GUATEMALA, December 7, 1907.

HONORABLE SIR: We, the undersigned Chinese merchants, have the honor to present our thanks to you for having kindly undertaken to forward a petition to His Excellency the Chinese Ambassador in Washington.

In this petition we told His Excellency that the Government of Guatemala had lately issued a law that no Chinaman leaving this country, whatever the reason and whichever his condition, could return; for those of our countrymen who had no interests in this country it was immaterial, but that there was quite a number engaged in commercial enterprises who, from the very nature of their business, were obliged to travel, and that it would spell ruin if they were either compelled to remain here indefinitely or were debarred from coming back. We furthermore laid stress on the fact that at all times the United States legation had favored us with its valuable protection and had befriended us in every way, and that we could not find words that could adequately express our gratitude, but that under prevailing conditions we should feel more at ease if His Excellency could see his way to bring the matter under the notice of the United States Government and thus second us in our entreaties.

We furthermore stated that several important members of our community had left the country some time ago with the intention of returning, but that in view of the decree of November 12 of this year they could not do so, and that their interests were thereby at stake. We finally inclosed two decrees issued by the Guatemala Government, the one dated October 28, 1897, and the other November 12, 1907.

We are indebted to you, honorable sir, for past services, and we feel sure that in the kindness of your heart you will do all in your power to protect our interests and have, if at all possible, the effects of the last decree modified.

We have, etc.,

CARLOS CHANG.
JORGE M. LEON.
ANTONIO CHANG.
RAFAEL LEON.
ARTURO CHANG.

JOSE LEON.
JUAN JO.
GUSTAVO LAU.
ALBERTO FOSAN.
MIGUEL CHANG.

[Inclosure 2.]

Mr. Carlos Chang to Chargé Sands.

GUATEMALA, December 7, 1907.

SIR: I have the honor to inform you that I intend to leave by the next steamer for San Francisco and China, and in respectfully bidding you farewell I wish to thank you for all you have been kind enough to do for me.

My countrymen are going to send you a letter stating the contents of the petition addressed to the Chinese minister at Washington, and I sincerely trust that you may succeed in getting the decree of November 12 repealed.

I should feel very thankful if you would kindly communicate any developments bearing on this case or any news interesting the Chinese community to my partner, Jose Leon, care of Quon On Lon Company.

I have, etc.,

CARLOS CHANG.

[Inclosure 3.—Translation.]

The Minister for Foreign Affairs to Chargé Sands.

FOREIGN OFFICE,
Guatemala, December 11, 1907:

HONORABLE SIR: I have the honor to remit, appended herewith, copies of the regulations issued concerning Chinese immigration in this Republic.

With the highest consideration and esteem, etc.,

JUAN BARRIOS, M.

[Inclosure 4.—Translation.]

Decree No. 520.

IMMIGRATION LAW.

CHAPTER I.—*Article II.*

Subjects of the Celestial Empire shall not be contracted as immigrants or accepted as such, neither those from other countries older than sixty, unless they be parents of a family coming with them or already established here, nor criminals already convicted in their respective countries, nor those lacking the health and morals required.

GUATEMALA, *May 25, 1896.*

[Inclosure 5.—Translation.]

Decree.

OCTOBER 28, 1897.

Having found it necessary to take adequate measures to enforce the regulation established in decree No. 520, of January 25, 1896, prohibiting the immigration into this Republic of subjects of the Celestial Empire,

The President of the Republic

THEREFORE DECREES:

First. Within a period of two months from this day (which period can not be extended under no circumstance) all individuals of Chinese nationality in the Republic shall present themselves at the office of foreign affairs, in order to be registered in a record book that will be opened to that purpose, putting down in it in the most complete and minute manner possible the anthropometric description of the interested party.

Second. The minister will issue to the registered person the passport prescribed by law.

Third. When the period fixed by Article I has elapsed, any Chinese that will fail to show to any authority or to any guardian of the peace on demand, the passport mentioned in Article II, shall be immediately expelled from the country.

Fourth. The Chinese legally residing in the country, who might desire to leave it with the idea of returning, is obliged to request a passport from the

minister for foreign affairs, who, in order to concede or deny said passport, shall have the right to practice beforehand whatever investigation he may deem necessary.

Fifth. The interested party shall bring his photograph so that it may be attached to one of the upper corners of the passport, inserting also in said document the description of the interested party, which shall be taken from the respective register, and also stating the fact that he will be again permitted to enter the country.

Sixth. If the journey be by sea or land, the passport must be presented to the captain of the port of embarkation or to the governor of the frontier province through which he passed. Said authorities shall collect the passport and keep it in their power in order to return it to the interested party on his return. The person must first be identified, and for the meanwhile a receipt is given him, which must be presented and destroyed when the original passport is returned.

Seventh. The Chinese who may in any way break the regulations of this decree shall be expelled from the Republic, and anyone who may help or try to facilitate in any manner the immigration of Chinese into Guatemala shall be punished as transgressor of the law according to the criminal code, and in the case of the transgressor being an official of the Government he shall besides be deprived of his employment.

Eighth. A copy of this decree will be sent to the governors of all the provinces and to the captains of all the ports for execution; the foregoing recommendations shall be reiterated to them by a circular, so they may carefully watch the execution of this law.

Let it be communicated.

(Signed) REYNA BARRIOS.

The secretary of state:

(Signed) JORGE MUNOZ.

[Inclosure 6.—Translation.]

Decree.

CHINESE IMMIGRATION.

PALACE OF THE EXECUTIVE POWER,
Guatemala, November 12, 1907.

In view of repeated abuses on the part of Chinese subjects who, on leaving the Republic, solicit passports and other persons make use of them to enter the country, and having to avoid Chinese immigration in pursuance to decree issued October 27, 1897,

The constitutional President of the Republic

DECREES:

That hereafter any Chinese subject that desires to leave the Republic may do so, but with the understanding that he is not to return again to the country; therefore the port and frontier authorities shall take special care to prevent the entrance of any Chinese, even if he is the bearer of the forementioned passport.

Let it be communicated and published.

ESTRADO C.

The secretary of state in the department of foreign affairs.

JUAN BARRIOS, M.

File No. 1012/16.

Chargé Sands to the Secretary of State.

No. 51.]

AMERICAN LEGATION,
Guatemala, December 21, 1907.

SIR: Referring to my Nos. 42, of December 6, and 45, of December 13, last, concerning the Chinese-exclusion decree issued recently by the President of Guatemala, I have the honor to inform the department that the manager at this capital of the Pacific Mail Steamship

Company called upon me on the 19th instant with the request that I obtain permission to land at a Guatemalan port for a Chinese, formerly resident in this Republic, who was provided with all the documents required by the law of Guatemala for his return to the country.

I brought this case informally to the attention of the minister for foreign affairs, who informed me that the recent decree must be considered retroactive, and that henceforth, in view of abuses on the part of Chinese seeking to gain admission to this Republic, all documents issued by this Government before the date of the decree referred to must be considered void.

I have so informed the Chinese colony at this capital.

I have, etc.,

W. F. SANDS.

File No. 1012/16.

The Acting Secretary of State to Chargé Sands.

No. 78.]

DEPARTMENT OF STATE,
Washington, February 3, 1908.

SIR: I have to acknowledge the receipt of your dispatch No. 51, of the 21st of December last, stating that the Guatemalan Government had refused permission to a Chinese merchant to land, and that, in reply to your representations that the man was provided with all necessary papers under the law, you were informed by the minister of foreign affairs that the recent decree must be considered retroactive, and that in view of abuses by Chinese seeking to gain admission to the Republic all documents issued prior to the date of the decree must be considered void, and that you have so informed the Chinese colony at Guatemala City.

Your course in the matter is approved by the department.

I am, etc.,

ROBERT BACON.

ATTEMPT ON THE LIFE OF THE PRESIDENT OF GUATEMALA.

File No. 2553/3.

Minister Lee to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Guatemala, April 29, 1907.

Reports that President Estrada narrowly escaped injury and death by dynamite basely exploded under his carriage early this morning.

File No. 2553/3.

The Secretary of State to Minister Lee.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 1, 1907.

Congratulate President Estrada in name of President and Government on his escape.

ROOT.

File No. 2553/8-9.

Chargé Brown to the Secretary of State.

No. 10.]

AMERICAN LEGATION,
Guatemala, May 12, 1907.

SIR: I have the honor to transmit herewith a copy with translation appended of the reply made by President Estrada Cabrera to Minister Lee's message of congratulation on the former's escape from death by the explosion of a dynamite mine under his carriage on the 29th of April last.

I have, etc.,

PHILIP BROWN.

[Inclosure.—Translation.]

*President Estrada to Minister Lee.*GUATEMALA, *May 5, 1907.*

HONORABLE SIR: In Your Excellency's most esteemed communication under date of the 29th ultimo, you congratulate me in the name of your Government and in your own personally because I escaped unhurt in the attempt made against my life on that same day.

I accept with gratitude this high manifestation of courtesy and consideration from the American Government with whom Guatemala is united by the closest ties of friendship, and I beg of Your Excellency to express to His Excellency Mr. President Roosevelt and to his Cabinet the acknowledgment of my sincere gratitude, which I also extend to Your Excellency, of whom I remain a true and attentive servant.

MANUEL ESTRADA C.

**CONVENTION BETWEEN THE UNITED STATES AND GUATEMALA
FOR THE RECIPROCAL PROTECTION OF PATENTS.**

Signed at Guatemala City November 10, 1906. Ratification advised by the Senate December 13, 1906. Ratified by the President March 6, 1907. Ratified by Guatemala May 29, 1907. Ratifications exchanged at the city of Guatemala June 13, 1907. Proclaimed July 9, 1907.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a convention between the United States of America and the Republic of Guatemala providing for the reciprocal protection of patents was concluded and signed by their respective plenipotentiaries at Guatemala City, on the tenth day of November, one thousand nine hundred and six, the original of which convention, being in the English and Spanish languages,^a is word for word as follows:

**CONVENTION BETWEEN THE UNITED STATES AND GUATEMALA FOR THE
RECIPROCAL PROTECTION OF PATENTS.**

The United States of America and the Republic of Guatemala, desiring to secure for their respective citizens the reciprocal protection

^a English text only is printed.

of their patents, have for that purpose resolved to conclude a convention and to that end have appointed as their plenipotentiaries, to wit:

The President of the United States of America, Mr. Philip M. Brown, chargé d'affaires ad interim of the United States to Guatemala, and,

The President of Guatemala Mr. John Barrios M., minister for foreign affairs;

Who, after exhibiting to each other their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

Citizens of each of the high contracting parties shall, in the territory of the other, enjoy the same rights as are enjoyed by native citizens in all matters pertaining to the protection of inventions by letters patent.

ARTICLE II.

In order to enjoy the protection of their inventions, the citizens of each country must fulfill the formalities required by the laws of the country in which the protection is asked.

ARTICLE III.

This convention shall take effect upon its promulgation in both countries and shall remain in force until the expiration of one year after either of the high contracting parties shall have given notice to the other of its wish to terminate the same.

The ratifications of this convention shall be exchanged at Guatemala City as soon as possible within one year from the date thereof.

In witness whereof we, the respective plenipotentiaries, have signed the present convention this tenth day of November nineteen hundred and six, and have hereunto affixed our seals.

[SEAL.]
[SEAL.]

PHILIP M. BROWN.
JUAN BARRIOS M.

And whereas the said convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the city of Guatemala, on the thirteenth day of June, one thousand nine hundred and seven;

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

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this ninth day of July, in the year of our Lord one thousand nine hundred and seven, and of [SEAL] the Independence of the United States of America the one hundred and thirty-second.

THEODORE ROOSEVELT.

By the President:

ROBERT BACON,

Acting Secretary of State.

RECOGNITION OF THE PROVISIONAL GOVERNMENT OF HONDURAS
BY THE UNITED STATES AND MEXICO.

File No. 3691/485.]

The President of Honduras to President Roosevelt.

[Telegram—Translation.]

TEGUCIGALPA, *April 23, 1907.*

I have the honor to advise you that I have taken possession of the office of provisional president of this country with the support of the great majority of the citizens. The programme of government shall be one of peace and guaranties for persons and interests, both national and foreign. For this I rely, together with the people of Honduras, on the good will that you and the President of Mexico have evinced for the restoration of tranquility in Central America, for which I am sincerely thankful.

MIGUEL R. DAVILA.

File No. 7357/2.

The Honduran Minister to the Acting Secretary of State.

[Translation.]

THE HONDURANEAN LEGATION,
Washington, July 4, 1907.

SIR: I had the honor to call at the Department of State on the 2d and 3d instant for the purpose of obtaining of your excellency an interview in which I might briefly explain the existing situation in Honduras and inquire of the Government of which your excellency forms an important part what would be the requisite conditions for the official recognition of the Government of my country.

The interview did not take place, and I venture to submit to your excellency the following statement in writing:

1. The provisional government over which General Don Miguel R. Dávila presides in Honduras has been recognized throughout the Republic and in the neighboring countries and is performing its functions in a normal and peaceful manner;

2. There is no apprehension of internal disturbances, as under the amnesty granted by my Government the defeated parties to the late conflict are returning to their homes in the full enjoyment of their rights and guaranties;

3. As to foreign affairs—that is, the difficulties which may arise in Central America—my Government has adopted a policy of strict neutrality toward the probable contestants; and

4. The aims pursued by my Government in soliciting the recognition of the American Government are, substantially, to gain the ear of the Department of State regarding Central American political matters, with the hope of being aided in its efforts toward the conservation of peace or the maintenance of its own neutrality; to reform the consular service by intrusting with its duties at the principal ports Honduraneans able to learn the economical requirements of

the country and to cooperate with the Government in meeting them, and to impress upon the American capitalists who have existing or prospective contracts with the Government of Honduras the proper sense of security as to the money they invest for the development and improvement of the country.

I might debate upon these points, herein cursorily indicated, if the department should deem it necessary and if your excellency would so advise me in New York, where I am to stop permanently from to-morrow at the Waldorf-Astoria Hotel.

Availing myself of the opportunity to tender to your excellency my congratulations on the glorious day the American people are celebrating, I have, etc.,

ANGEL UGARTE.

File No. 7357/5.

The Acting Secretary of State to the Mexican Ambassador.

DEPARTMENT OF STATE,
Washington, August 8, 1907.

DEAR MR. AMBASSADOR: Referring to your telegram and personal letter of July 23^a and to my telegram to you of July 26^a in relation to the outlook for coincident or concurrent action by Mexico and the United States for the recognition of the provisional government of President Dávila in Honduras, and having just had a talk with Señor Godoy on the subject, I have the pleasure to send you copy of a note from Señor Ugarte in response to the inquiries which I caused to be informally communicated to him through Señor Calvo. I then asked what steps had been taken toward the establishment of constitutional government in Honduras and toward the election of a president and congress.

I am also in receipt of a recent report from our naval commander on the Honduran coast, in which he confirms the tranquillity of the republic and advises of the steps taken for the proclamation of a constitution and for elections on the dates mentioned by Mr. Ugarte.

Under the circumstances, and in the view and hope that the hands of Mexico and the United States may be strengthened in making cordial efforts for peace in Central America by the establishment of formal relations with Honduras, I am prepared to advise the President to recognize General Dávila's provisional government forthwith upon ascertaining that your Government sees no obstacle to that course and is prepared to accord similar recognition.

If we decide to act in unison in this sense, might it not be expedient to assign a common date for Mexican and American action?

So far as we are concerned, recognition would be effected by a cable instruction to Minister Lee (who may be deemed to continue to represent the United States near the Government of Honduras until his successor arrives), and by notifying Señor Ugarte that the President will receive him as the minister of the provisional government of General Dávila.

I am, etc.,

ROBERT BACON.

^a Not printed.

The Honduran Minister to the Acting Secretary of State.

THE HONDURANEAN LEGATION,
Washington, August 8, 1907.

SIR: In compliance with the wish expressed to me on your excellency's behalf by the minister of Costa Rica I addressed to my Government an inquiry regarding the date and form of the establishment of the constitutional government in Honduras, and have received from the minister of foreign relations a reply as follows:

TEGUCIGALPA.

Agreed constitution will govern September 15, and elections will be called October. Write you to-morrow. Well here.

FIALLAS.

As supplementing the foregoing I inform your excellency that I have received a letter dated from Puerto Cortes, Honduras, on the 29th of July by which I am informed that there was held in the capital of the Republic a meeting of the most prominent men who guide the destinies of the country, and that they agreed on designating Gen. Don Miguel R. Dávila for president and Gen. Don Dionisis Gutierrez for vice-president in the forthcoming constitutional term, and that the constitution of 1894 was with one accord adopted as to the election of the said functionaries and all the other administrative acts. The designation will be accepted by the great majority of the country and will offer no difficulty in practice.

With reference to the two dates mentioned in the cablegram of the minister of foreign relations, I beg to remark to your excellency that the celebration of our political emancipation takes place on the 15th of September, and that October is the month set for elections in the said constitution of 1894.

I trust that, in view of these indications and of the normal and peaceful conditions in Honduras, the American Government will see no objection to recognizing officially the Government of that country.

With assurances, etc.,

ANGEL UGARTE.

File No. 6775/52.

The Mexican Chargé to the Acting Secretary of State.

[Translation.]

No. 20.]

MEXICAN EMBASSY,

Freeport, N. Y., August 12, 1907.

HONORABLE SIR: I have the honor to inform you that, according to advice received from the minister of foreign relations of my country, my Government, in view of all the circumstances of the case, has recognized the provisional government of General Dávila in Honduras, and its neutrality, and has directed this to be officially communicated.

At the same time, I take the liberty of bringing to your notice, as I am instructed to do by my Government, the advisability of the Government of this country using its influence if deemed expedient,

and if the Government of Guatemala be, as represented, gathering forces on the frontier of Honduras for an attack, to the end that those troops be withdrawn and the peace undisturbed in the Central American Republics.

I have, etc.,

JOSÉ F. GODOY.

File No. 7357/6.

The Costa Rican Minister to the Acting Secretary of State.

[Translation.]

LEGATION OF COSTA RICA,

Washington, August 14, 1907.

SIR: Referring to previous conversations I have had the honor to have with Hon. Mr. Bacon, Acting Secretary of State, and with yourself touching present conditions in Central America, I have the honor, by direction of my Government, to inform you that the Government of Costa Rica has recognized the provisional government of the Republic of Honduras presided over by Mr. Dávila.

Be pleased, etc.,

J. B. CALVO.

File No. 7357/7.

The Mexican Chargé to the Acting Secretary of State.

[Translation.]

No. 23.]

EMBASSY OF MEXICO,

Freeport, N. Y., August 17, 1907.

HONORABLE SIR: Confirming the statement made in this embassy's note No. 20, dated the 12th instant, in regard to the recognition of the provisional government of General Dávila in Honduras, I have the honor to inform you that I am advised by the minister of foreign relations that, in view of this embassy's telegrams communicating the intentions of the Government of the United States of America and owing to the urgency of the case, he immediately telegraphed to the chargé d'affaires of Mexico near the Government of Salvador to declare, through the consul-general of Mexico in Honduras, that the Mexican Government formally recognizes the provisional government of General Dávila and the neutrality of Honduras.

While having the honor of communicating the foregoing to you, I take the liberty of saying, under special instructions received from my Government that news is constantly coming about the war, which seems to be inevitable, between Nicaragua and Guatemala, the latter being the aggressor and acting in concert with the Salvadorean Government, and, further, that it is reported that there are Guatemalan forces at Santa Clara and Puerto Cortes.

I have pleasure in renewing, etc.,

JOSÉ F. GODOY.

File No. 7357/-1.

*The Acting Secretary of State to the Provisional Minister for Foreign Affairs of Honduras.*DEPARTMENT OF STATE,
Washington, August 23, 1907.

SIR: I have the honor to acknowledge the receipt of your excellency's note of June 1, 1907,^a by which you announce to the Secretary of State of the United States the formation of a provisional government in Honduras under the presidency of Gen. Miguel R. Dávila, and with which you inclose an autograph letter addressed to the President of the United States by General Dávila, announcing his assumption of the provisional presidency.

Being advised of the competency of the provisional government to perform international obligations, and being satisfied with the steps taken to revive the constitutional régime in Honduras and to provide for the election of the executive thereof, the President has directed the recognition of the provisional government and will, upon his return to Washington, have the pleasure to receive Mr. Angel Ugarte in personal audience for the purpose of presenting the credentials which he bears as the appointed envoy extraordinary and minister plenipotentiary of the provisional government of Honduras.

In the meantime the department will be pleased to transact with Mr. Ugarte any necessary business pertaining to his mission.

The President's reply to General Dávila's communication will in due time be delivered through Mr. Joseph W. J. Lee, the minister of the United States at Guatemala City, who will, pending the establishment of a new representation to Salvador and Honduras, hold any necessary intercourse with the provisional government on the part of the United States.

I avail myself, etc.,

ALVEY A. ADEE.

File No. 7357/2.

The Acting Secretary of State to the Honduran Minister.

No. 1.]

DEPARTMENT OF STATE,
Washington, August 23, 1907.

SIR: Referring to the note addressed on June 1, 1907, by the provisional minister for foreign affairs of Honduras to the Secretary of State, announcing the formation of a provisional government in Honduras under the presidency of Gen. Miguel R. Dávila, and to your note of the 8th instant, announcing the steps taken to revive the constitutional régime in Honduras and to provide for the election of the executive thereof, I have the honor to advise you that the President has directed the recognition of the provisional government and upon his return to this capital will have the pleasure to receive you in personal audience for the presentation of the credentials, which by your note of June 18, 1907,^a this department is informed you bear,

^a Not printed.

as the appointed envoy extraordinary and minister plenipotentiary of the provisional government of Honduras.

In the meantime this department will be pleased to transact with you any necessary business pertaining to your mission.

Referring further to your note of July 4 last, I beg to say that note is taken of your statement of the purpose of Honduras to preserve a neutral attitude as regards questions pending between the Central American Republics.

Accept, etc.,

ALVEY A. ADEE.

File No. 7357/Sa.

The Acting Secretary of State to Minister Lee.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 23, 1907.

Mr. Adeë informs Mr. Lee that the President has directed that the provisional government of Honduras be recognized and that pending formal presentation of credentials the Department of State will transact provisionally any necessary business with the appointed minister. Directs Mr. Lee to advise the Government of Honduras that, pending the establishment of new representation to Salvador and Honduras, he will hold any necessary intercourse with the provisional government.

File No. 7357/10.

The Honduran Minister to the Acting Secretary of State.

[Translation.]

LEGATION OF HONDURAS,
Washington, September 16, 1907.

SIR: I have the honor to inform your excellency that on yesterday, the 15th of September, anniversary of the political emancipation of Central America, the constitutional régime was reestablished in the Republic of Honduras.

I improve this opportunity, etc.,

ANGEL UGARTE.

**GOOD OFFICES OF THE UNITED STATES AND MEXICO FOR THE
CONSERVATION OF PEACE IN CENTRAL AMERICA.**

File No. 3691/11.

Chargé Bailey to the Secretary of State.

No. A-4.]

AMERICAN LEGATION,
TO COSTA RICA, NICARAGUA, AND SALVADOR,
San Jose, Costa Rica, January 9, 1907.

SIR: I beg to confirm the following telegram: ^a

I have the honor to state that on the morning of the 7th instant the minister of foreign affairs here called at this legation with an offi-

^a Not printed.

cial dispatch from the Government of Nicaragua, in which said Government states that it declines to be bound by the terms of the treaty on board the *Marblehead* on July 20, 1906. He also showed me a telegram just received from the President of Honduras stating that he had just ordered the militia of his country to proceed at once near the boundary of Nicaragua and Honduras to suppress revolutionary movements against his Government, which he believed to be aided by President Zelaya, of Nicaragua.

These documents, together with the urgent request of the foreign minister here, caused me to send the above cable as a matter of immediate information to the department and in the interest of peace in Central America.

As a matter of further information to the department, I have the honor to transmit herewith (inclosure No. 1) copy and translation of correspondence from the Government of Costa Rica relative to the treaty of peace, amity, and commerce, which met at this capital on September 15 last, which gives the attitude of the Nicaraguan Government toward said treaty as well as its position toward the pact of Corinto, signed on January 20, 1902, and the convention of the *Marblehead*, celebrated July 20, 1906.

I have, etc.,

JAMES G. BAILEY.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs of Costa Rica to the Minister for Foreign Affairs of Nicaragua.

SAN JOSE, October 25th, 1906.

YOUR EXCELLENCY: The conference of peace, friendship, commerce, etc., which met at this capital at one p. m. on the 15th day of September last, and to which attended the delegates of the Republics of El Salvador, Guatemala, Honduras, and Costa Rica, gave as a result the forming of a general treaty and two conventions, of which one was for the establishment of a Central American Pedagogical Institute and another for the foundation of an International Central American Office. As your excellency will see by the document which I have the honor to enclose herewith, as much for the treaty as for the two conventions, that these are inspired in the most high spirit of Central Americanism, as one and the other tend to affirm cordiality and good harmony between the countries of the old country, and to make more frequent and affectionate the individual and social relations in the Central American family. In the last session held by the delegates the point was treated of, as was quite natural, that it would be very pleasing that the conclusions of same be advantageous to the five sections of the old country, including Nicaragua, the only one which was not represented at the conference, and there was given to the Government of Costa Rica the honorable commission of proposing to your excellency's Government to adhere to the treaty and conventions to which I make reference. Following, then, the instructions of my Government, I now have the honor to comply, by means of the present note, that gratifying commission, expressing at the same time that the illustrious Government of your excellency note by same the expression of interest which we would wish by all possible means make each time more and more intimate ties that bind us to that brother country and to its worthy Government.

With sentiments of the most distinguished consideration, I have the honor to subscribe myself,

Your excellency's obedient servant,

LUIS ANDERSON.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Chargé Bailey.

SAN JOSE, January 8, 1907.

HONORABLE SIR: I have had the honor of receiving your excellency's note of the 7th instant, in which you request information with reference to the action of the Government of Nicaragua with regard to the treaty of peace signed in this city on the 25th September last by the delegates to the conference of peace.

In reply it is gratifying to me to say to your excellency that, notwithstanding the refusal of the Government of Nicaragua to concur to the conference of peace, the governments who signed the treaty of peace in reference earnestly desiring that the five Central American Republics be coparticipants in the benefits of peace and fraternity of well being and of open and sincere intelligence, in which the principal clauses of said treaty are inspired, agreed to forming same in a manner that if there was good will on the part of the Government of Nicaragua this Republic could adhere itself to such a transcendental negotiation. Thus recorded explicitly in the protocol of conferences previous to the treaty, of which first session I copy:

"A discussion followed in which all the delegates took part, and in the course of which there was taken into consideration the absence of representation by part of Nicaragua, the unanimous desire having been made manifest that in the deliberations of the conference everything be carried on in a form that would facilitate the adhesion of the Government of that Republic to the resolution adopted, since the principal aim is to revive and stimulate the sentiments of fraternal harmony and cordiality between the five entities of the common country with the view of seeing realized the just aspirations to a solid and lasting peace that efficaciously promotes the development of the great moral and material interests which call them to form some day one solitary nation. In addition to this and with the fraternal purpose before mentioned in the fifth session it is resolved that the treaty will be communicated to the sister Republic of Nicaragua and if subscribed to will be accepted as a part thereto from the beginning."

As it is clearly seen from what has been stated, the most elevated of Central Americanism and the desire of not keeping Nicaragua at a distance, presided in the preparation of the treaty. Nevertheless, in virtue of the results in the fifth session and by reference to a matter of such vital importance for the peace and consequent progress of the total family of Central America, my Government deemed it well to communicate the treaty to that of Nicaragua and invite same to give its adhesion, in note of 25th October last, a copy of which I have the honor to forward to your excellency.

Thus, the state of affairs, and when all awaited a favorable reply, with unexpected surprise my Government received an answer in the negative from the Government of Nicaragua, stated in note of 20th December last, in which it cites as a principal motive to justify its negative the opposition which is believed to be found between the pact of Coninto, signed on 20th January, 1902, and the convention of the *Marblehead*, celebrated on board said cruiser the 20th of July, 1906, of which, as stated by that chancellery, the treaty of San Jose amounts to the same as a ratification, and considers for the same the following:

"In the first instance, it is to be understood that the treaty of peace and arbitration signed at Corinto, 20th of January, 1902, and was solemnized by the presence at that port of their excellencies the Presidents of Costa Rica, El Salvador, Honduras, and Nicaragua establishes the compromise of submitting to a tribunal of Central American arbitrators all difficulty or question that might rise between the contracting parties (Art. II). The stipulations of this international pact constitute for Nicaragua a perfect positive right in its relations with the other States signing. Nevertheless, by Article III of the treaty of San Jose, the Governments of El Salvador, Guatemala, and Honduras compromise themselves to submit their difficulties to arbitration of the Presidents of the United States and of Mexico. In view of such a compromise, and before proceeding further, it is not inofficious to state that, this last being a consequence of the pact celebrated on board of the *Marblehead* the 20th of July last, which obligates as well those three countries, does not correspond, as it is natural for Nicaragua to impose on itself the obligation in question, as it takes as a pretext the disposition of the Article II of the pact of Corinto as has been

done by Costa Rica, as is taken from the context of the treaty of San Jose (Art. IV)."

Trusting that the foregoing will satisfy the desires of your excellency in regard to the matter treated of, it is pleasing to me to reiterate the assurances of my most distinguished consideration, with which

I am, etc.,

LUIS ANDERSON.

File No. 3691/17-23.

Minister Combs to the Secretary of State.

[Extract.]

No. 512.]

AMERICAN LEGATION,
Guatemala, January 16, 1907.

SIR: I have the honor to transmit herewith copies of telegraphic correspondence from President Bonilla.

I have, etc.,

LESLIE COMBS.

[Inclosure 1.—Translation.]

President Bonilla to Minister Combs.

PALACE, TEGUCIGALPA, *January 10, 1907.*

Desiring you to have full knowledge of the incident that has occurred between my Government and that of Nicaragua, and for you to see how justice is on my part in said conflict, I transcribe to you the dispatches exchanged between the general in chief of my troops and President Zelaya, which I omitted doing in my former telegram:

SAN ANTONIO DE FLORES, *January 5, 1907.*

Gen. J. S. ZELAYA, *Managua:*

In order to attack the rebels, I have been appointed by the government commander in chief of all the forces that will operate in the south, and finding myself at this town I have the honor to put myself at your orders. I am informed that General Gutierrez and Gen. Nicolas Flores, both of whom you had reported as reconcentrated, are at Oyoto in the plantation of Messrs. Sandoval, in the frontier of both Republics. As at any moment I will begin operations against them, it may become necessary for me to trespass into the territory of that Republic, and for doing so I would desire to obtain your authorization, without detriment to what is established in the treaty between both countries, in which it is mutually permitted to enter the territory of either country for the prosecution of criminals. I await your answer, for in no way do I wish or desire that the existing good relations between that Government and mine may be altered.

Your servant and friend,

SALOMON ORDOÑEZ.

CAMPO DE MARTE, *January 5, 1907.*

Gen. SALOMON ORDOÑEZ, *San Antonio de Flores:*

I thank you for your attention of putting yourself at my orders in that town, as commander in chief of all the forces operating in the south, an appointment which I consider very well merited, and I congratulate you for the honor and trust deposited on you, and I also hope that your operations will be crowned with the most complete success. It is impossible for me to concede to you the authorization that you solicit in order to operate with your forces in the territory of Nicaragua, because your prosecution against the revolutionists is not the case established in the treaty that is in force with that Republic and because Nicaragua has on her frontiers the sufficient number of troops to disarm and

reconcentrate those who may trespass them. The case to which the treaty refers is that in which fugitive criminals under charge of crime should escape into either of the two countries, a revolutionist can not be considered as such. My Government has done for that of Honduras in a friendly manner all that it could in the present emergency, as I have had the pleasure of informing President Bonilla, and with the certainty that your desire is as sincere as mine that the good relations that exist between our respective countries may not be altered and that they be always cordial; I hope that by issuing adequate and proper orders you will avoid the trespassing into Nicaraguan territory. Gen. Nicolas Flores was, indeed, reconcentrated, and he was under parole, but unfortunately did not keep it.

Your affectionate friend,

J. S. ZELAYA.

SAN ANTONIO DE FLORES, *January 6, 1907.*

Gen. J. S. ZELAYA, *Campo de Marte:*

I am going to take the liberty of explaining to President Zelaya the motives that prompted me to solicit the permission, should I think it necessary, as I do, to trespass into the territory of that sister Republic to attack the rebels. At present they occupy Oyoto hill, but the principal group precisely occupy Zapotillo hill, which is divided by the dividing line of that and this Republic, so that on attacking them they will immediately fall back on Nicaraguan territory, and the attack would be then useless; besides they are occupying the house of Catarino Sandoval, Narciso Sandoval, Ruben Sandoval, and of Messrs. Calderon, located in that Republic in the potreros of these persons, which are well fenced; they are intrenching themselves. They also have their reserve forces at Yari on the field of Duyure and at Macuelizas, places situated on the very frontier. What I now report to you was the cause that made me solicit of you the said permission; but considering that Nicaragua has sufficient troops on the frontier with which she is able to disarm and reconcentrate any Honduranian rebels who might trespass it, and considering the existing good relations, good harmony, and the sincere friendship of the Government and people of Nicaragua and Honduras, I beg of you to disarm and reconcentrate the Honduranian rebels, who are occupying positions in the territory of that country. I am awaiting your reply, and as ever I subscribe myself,

Your servant and friend,

SALOMON ORDOÑEZ.

CAMPO DE MARTE, *January 6, 1907.*

Gen. SALOMON ORDOÑEZ:

I have received your telegram, sent at 9.30 a. m. to-day, in which you explain the motives that prompted you to solicit my permission to cross the dividing line of our frontier, in the case that it should become necessary. After reading your report, I must manifest to you that notwithstanding the definite orders that have been issued to the purpose of capturing, disarming, and reconcentrating the revolutionary "emigrados" who present themselves, I now again direct myself to the authorities, reiterating my orders that, under the strictest responsibility, they must comply with my anterior commands; and you may rest assured that on my part I am always ready to continue the policy of sincere friendship with which I have always proceeded toward your Government.

Your attentive servant and friend,

J. S. ZELAYA.

I remain, etc.,

MANUEL BONILLA.

[Inclosure 2.—Translation.]

President Bonilla to Minister Combs.

PALACE, TEGUCIGALPA, *January, 1907.*

In my desire to put you in full knowledge of the incident between my Government and that of Nicaragua and to show you the complete justice that I

have in the said conflict, I transcribe to you the dispatches exchanged in regard to said question. For your knowledge, and in accordance with my idea of keeping you informed of all the events that may take place in this country, I transcribe to you the telegrams exchanged to-day with the President of Nicaragua.

PALACE, TEGUCIGALPA, *January 9, 1907.*

Mr. President, Gen. J. S. ZELAYA, *Managua:*

The commander in chief of all the forces that are operating in the south against the disturbers of peace informs me that the latter had an encounter with the forces of General Carcamo, who was exploring the positions held by the outlaws, driving them out of their positions of Carrizal and los Calpules after four hours, after which the rebels fled completely routed, and also informs me after the battle that General Carcamo had encamped in territory, which he did not know, but which I am assured, belongs to Nicaragua; for which reason I gave him the immediate order to move from there and to march his troops more to the interior of this Republic, for under no circumstances, with full knowledge, would I permit officials from my Government to make such a mistake. One of the men captured in this encounter declares that he belongs to a force of 110 men that General Calderon sent to put themselves under the command of General Gutierrez; this force was the one with which we had the encounter; the leader of these men was killed. Notwithstanding the declaration of the captured soldier I do not wish to believe in such news, as it can not be true, so I hasten to communicate this notice to you as a proof that I thoroughly believe in the declarations that you have made to me and for you to take such action as you may deem necessary in the case that malcontents from your Government or emigrados from this country make use of your name to the advantage of their personal ambitions and with the evil idea of provoking a conflict between our Governments. The rebels who were completely defeated in Honduran territory have fallen back on the opposite slope of the hill El Carrizal in that Republic, where, I am informed, their leaders are trying to organize again in order to renew their criminal efforts against the peace of Honduras. Promising to communicate to you whatever may take place,

I repeat myself your affectionate and sincere friend,

MANUEL BONILLA.

CAMPO DE MARTE, MANAGUA, *January 9, 1907.*

Mr. President BONILLA, *Tegucigalpa:*

With great surprise I have been informed that yesterday at 2 p. m. forces from the Honduran army trespassed the frontier of Nicaragua and in its territory attacked the forces of observation that I have stationed there to guarantee the inviolability of Nicaraguan soil. The commandante de armas of Somoto reports to me the following: At 2 p. m. they tried to break through our lines, but they were energetically made to retreat by Mayor Sanchez and likewise they will be put back on all the line that is guarded by our forces. Troops of Juticalpa under the command of General Rosales threaten by the side of Las Manos by Santa Maria, and by El Banquito near to San Marcos forces of General Bonilla are reported to be. I am informed that with the forces of the Government of Honduras several emigrados from Nicaragua are coming, and those are naturally the ones most interested in the present conflict. To-day I received a telegram from the commandante of Santa Maria, sent at 11.30 in the morning, in which he informs me of the following: In this moment forces from Honduras under the command of Gen. Teofilo Carcamo are attacking our forces of observation; my trenches divide the line of fire. I also receive now a cablegram from the minister of Nicaragua at Washington in which he informs me that the Government of Honduras has directed itself officially to the American chancery informing it that Honduras has sent troops to the frontier of Nicaragua to crush the rebellion started by General Zelaya. In view of these facts I consider it my duty as a loyal and sincere man to demand of you a categoric explanation before the innocent blood of these fraternal nations is shed. I wish before resolving on extreme measures to have the certainty that a mistake does not exist that might explain these unexpected provocations, and that, corresponding to the loyalty and sincerity with which I have always acted, you will inform me if I shall consider hostilities broken so

that I may proceed as may be convenient for me. While I formally protest to you that if hostilities continue and the forces of Honduras should pierce my forces of observation, there shall be nothing to detain me to march with my army to comply with my duty,

I am, with all esteem, your affectionate friend,

J. S. ZELAYA.

PALACE, TEGUCIGALPA, *January 9, 1907.*

Gen. J. S. ZELAYA, *Managua:*

Your telegram sent at 12 o'clock crossed mine on the way, in which I informed you of the encounter that took place on the frontier, in conformity with the official report that the general in chief communicated to me, and only due to the fact that you had not received my telegram can I account for yours, based on doings contrary to those that have come to my knowledge. The narration of occurrences in my last telegram, sent in the best good faith, informing you that this country was provoked by them in territory of this Republic, and the possibility of encountering forces from the Government of Nicaragua was not even conceived, forces that we have considered and will continue to consider as friends. The other information contained in your telegram may have found its issue in partial sources, and it is absolutely false. Generals Rosales and Urrutia are not in the places indicated by the comandante of Somoto, and I beg of you to take note of the date, so that you may afterwards convince yourself of the truth of what I say; and no force from Honduras has gone near the neighborhood of Las Manos. In regard to what may have happened at El Banquito, you know that this place is situated in the middle of the road from San Marcos to Choluteca, where we can be stationed with all propriety without calling for the suspicion of your agents. Besides, the army of Honduras is in need of examining the entire frontier to be able to have success in their operations, because you well know that the outlaws of this country are situated exactly on the dividing line of both countries; not a single emigrado or Nicaraguan forms part of the Honduran army. Moreover, you well know that those who are considered as enemies of your Government are reconcentrated in this capital. It is also completely false that my Government has communicated with that at Washington in any manner, for the only communication that I have sent out in regard to the present occurrences has been a telegraphic circular to the presidents of Central America, which you have also received. So there does not exist a single fact among those you have drawn my attention to, and since I have been at the head of public affairs in Honduras no act of inconsequence or of disloyalty can be laid against me. On the contrary, I have always been found ready to cooperate for the peace of Central America and to avoid the shedding of fraternal blood which to me is of the greatest value. The malcontents of my Government have worked efficaciously to bring about a rupture of fatal consequences to Central America. Placing themselves in the proper line of the frontier where they precisely had to be attacked by the forces of my Government was part of a malefic plan, the consequences of which we begin to feel; but I must confess to you with frankness and sincerity that in the present circumstances I have not been led by any other motive than the accomplishment of my duty, without even imagining for a moment that it could have brought about the least friction with your Government, to which I have given a proof of the loyalty with which I proceed in all my acts. Believing to have satisfied you with this honest manifestation, I consider it necessary for us to decide on what instructions must be given to our troops with the purpose of preventing the least friction between them in the course of the military operations that I must energetically continue against the outlaws, unworthy cause of the present perturbation, but if unfortunately I can not convince you of my sincere loyalty I must manifest to you that my Government, accompanied by the entire Honduran nation, would be able, when the proper time arrived, to make their rights prevail and to maintain without stain their dignity.

With all esteem, I subscribe myself, your obedient servant and friend,

MANUEL BONILLA.

File No. 3691/14.

Chargé Bailey to the Secretary of State.

No. A-6.]

AMERICAN LEGATION,
TO COSTA RICA, NICARAGUA, AND SALVADOR,
San José, Costa Rica, January 17, 1907.

SIR: Referring to my Nos. A-4 and A-5^c dated 9th and 15th instant, respectively, regarding revolutionary movements in Honduras, thought to have been aided by President Zelaya, of Nicaragua, and as a matter of further information to the Department of State relative thereto, I now have the honor to state that in a conference with Mr. Anderson, the minister of foreign affairs here, this morning he informed me that he had been officially advised by the Nicaraguan Government that the Government of Honduras violated certain territorial rights by permitting its troops to pass the boundary line of its own country, thus invading Nicaraguan territory.

From the best information obtainable the Government of Honduras admits this invasion, but as a justification for its action asserts that the revolutionists and disturbers of its public peace sought refuge on Nicaraguan soil, and in order to suppress them its troops were compelled necessarily to cross the boundary of Honduras.

The Nicaraguan Government claims indemnity for this infringement of its territorial rights, and the governments of the two disputing Republics have agreed to submit their grievances to a board of arbitrators, composed of one member from each of the Republics of Costa Rica, Honduras, Nicaragua, and Salvador, to convene at the city of San Salvador at as early a date as possible.

The minister of foreign affairs here further informed me that he suggested to the Nicaraguan Government February 15 next as a suitable time for the meeting of said board of arbitrators, and that the Nicaraguan Government replied, urging an earlier meeting if possible, as this is an armed peace, some of Nicaragua's troops being now stationed near the boundary of Honduras, where they will remain pending the action and decision of the arbitrators.

The foreign minister here said that owing to the present strained relations between the two Republics, the meeting of the board of arbitrators should be brought about at as early a date as possible, and that his Government would appoint a delegate at once with the view of having them meet at San Salvador not later than fifteen days from date.

This meeting has been suggested and is to be held in conformity with the pact of Corinto, signed on January 20, 1902, in which there is a provision that disputes arising between any of the Republics signatories thereto shall be submitted to a board of arbitrators appointed from all of them.

This Government is very anxious to do anything reasonable to bring about an honorable and lasting peace between all the Republics of Central America.

Any other reliable information received on this matter will be forwarded promptly to the department.

I have, etc.,

JAMES G. BAILEY.

File No. 3691/11.

*The Secretary of State to Chargé Bailey.*DEPARTMENT OF STATE,
Washington, February 1, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. A-4, of the 9th ultimo, confirming your telegram of the 7th ultimo on the subject of the attitude of Nicaragua to the treaty signed on the *Marblehead* and to the recent treaty of peace signed at San Jose.

In reply I have to say that in frequent conversations with the several Central American ministers at this capital, the department is endeavoring to elucidate the facts of the present difference and open the way to a better understanding, in the interest of the good will which we impartially desire shall prevail among them.

I am,

E. Root.

File No. 332/46A.

The Secretary of State to the Honduranean Chargé.

No. 2.]

DEPARTMENT OF STATE,
Washington, February 8, 1907.

SIR: In your conversation with me yesterday you were pleased to inform me, on behalf of Honduras, of the readiness of that Government to enter into the necessary arrangements for carrying out the provisions of the treaty signed on the *Marblehead* July 20, 1906, and of the later general treaty of amity between Salvador, Guatemala, and Honduras, signed at San Jose September 24, 1906, in relation to the arbitration of actual and future differences existing or arising between the contracting Governments.

The treaty stipulations in regard to this matter are as follows:

Convention signed on the *Marblehead* July 20, 1906:

ARTICLE 5. If, contrary to expectations, any one of the High Contracting Parties should fail in the future in any of the points agreed upon in this treaty, or should give cause for new differences, these shall be submitted to arbitration, their excellencies the Presidents of the United States of America and of the United States of Mexico being hereby designated as arbitrators, to which arbitration shall also be submitted the recent actual difficulties between Guatemala, El Salvador, and Honduras.

Convention signed at San Jose (general treaty of amity) September 24, 1906:

ARTICLE 3. The Governments of Salvador, Guatemala, and Honduras, in conformity with the stipulations of the treaty executed on board the *Marblehead*, hereby appoint as umpires their excellencies the President of the United States of America and of the United Mexican States, to whom all particular difficulties arising among said Governments shall be submitted for arbitration.

For the purpose of agreeing on the manner in which to effect such arbitration, the above-mentioned Republics shall accredit, at the latest within three months from this date, their respective legations near the Governments of the United States of America and Mexico, and in the meanwhile arbitration shall be ruled according to the stipulations of the treaty of compulsory arbitration concluded in Mexico on the 29th of January, 1902.

In order to make these engagements effective it would appear to be necessary—

In the first place, to insure the acceptance, in principle, by the Presidents of the United States and Mexico of the contemplated arbitral function.

In the second place, for the three contracting Central American States to agree with the Governments of the United States and of Mexico touching the manner in which to effect such arbitration.

It may be permissible to suggest that, as the first step, the three Central American Governments named should address coincident or identic communications through the diplomatic channel to the President of the United States and likewise to the President of Mexico, requesting them to indicate their willingness to accept the office of arbitrator if and when occasion therefor shall arise.

The acquiescence of the respective Presidents having been obtained, the next step would be to bring about a consultation of the diplomatic representatives of the three named Central American States and of the United States and Mexico, at Washington or at the City of Mexico, as may be found most convenient, for the purpose of drawing up a protocol setting forth the manner in which any question now existing or which may arise between any two or all of the named Central American States shall be submitted for determination to both or either of the arbitrators thus designated.

I shall take the liberty of writing in a similar sense to the minister of Guatemala in this capital, and to the representative of Salvador; and I shall further communicate the substance of your oral inquiry and of this reply to the Government of Mexico for the information of President Diaz.

Accept, etc.,

ELIHU ROOT.

File No. 3691.

The Minister for Foreign Affairs of Guatemala to the Secretary of State and to the Minister of Foreign Affairs of Mexico.

[Telegram—Translation.]

GUATEMALA, *February 11, 1907.*

My Government consistently with its traditional desire that peace be unalterably maintained in Central America so that the five sister Republics may in full confidence devote themselves to the development of their elements of progress and welfare, and the unity of their international agreements being a powerful factor in always achieving easily that invaluable result, takes the liberty of submitting to the consideration of the enlightened Government of United States [Mexico], through your excellency's very worthy medium, the expediency and opportunity of Costa Rica and Nicaragua adhering to the general treaty of peace, amity, arbitration, commerce, etc., signed by Guatemala, Salvador, and Honduras at San José de Costa Rica the 25th of September of last year, which treaty, besides ratifying the arbitration agreed upon on board the *Marblehead*, provides for the most perfect harmony in the Central American family. If this suggestion, which accords so well with the lofty purposes of the most excellent Presidents Diaz and Roosevelt, should, as I have no doubt, be acceptable to the Government of the Mexican United States, my own Government would be most thankful to your excellency if you were pleased to make the requisite intimations. I further venture to say that we addressed the chancellery of Washington in the same sense this day.

I renew, etc.,

JUAN BARRIOS. M.

File No. 3691/44AB.

*President Roosevelt to the President of Nicaragua.^a*WASHINGTON, *February 11, 1907.*

It is with great regret that I have received information that the tribunal of arbitration between Nicaragua and Honduras, recently sitting in Salvador, has dissolved owing to the tribunal's belief that one or both of the countries, parties to the arbitration, had failed to desist from warlike preparations pending the arbitration.

I beg to express to your excellency the strong hope of the United States that this deplorable event may prove to have resulted from some misunderstanding easily removed, and that the tribunal may be reconstituted or a new tribunal provided which shall sit under rules fully understood and complied with by both parties to the controversy so that peace, with all its blessings, may be preserved, not only for Nicaragua and Honduras, but for all the States of America.

The cause of humanity, the benefits of peaceful intercourse through which the prosperity of each of our Republics contributes to the prosperity of all, and the friendship we all have for both the countries immediately involved, lead us to urge this course upon you with earnestness and with respect and esteem.

In this I am assured of identical views and feelings on the part of the Governments of Mexico, Guatemala, San Salvador, and Costa Rica. I am sending a similar telegram to the President of Honduras.

THEODORE ROOSEVELT.

File No. 3691/44C.

*The Secretary of State to the Minister for Foreign Affairs of Salvador.*DEPARTMENT OF STATE,
Washington, *February 11, 1907.*

I beg to inform your excellency that President Roosevelt has sent the following telegram to the Presidents of Nicaragua and Honduras, respectively.^b

President Roosevelt has done this with concurrence of Mexican ambassador, and President Diaz will send dispatches in same sense. I have communicated text to Governments of Guatemala and Costa Rica, expressing hope that they send similar dispatches, and I communicate it to your excellency with suggestion that Salvador may do the same.

ELIHU ROOT.

File No. 3691/48.

The Minister for Foreign Affairs of Salvador to the Secretary of State.

[Telegram.—Translation.]

SAN SALVADOR, *February 12, 1907.*

I have had the honor to receive the transcript your excellency was pleased to send me of President Roosevelt's telegram to the Presidents

^a Mutatis Mutandis to the President of Honduras.^b Supra.

of Honduras and Nicaragua interposing his good offices to the end of obtaining a pacific settlement of the difficulties pending between the two Republics, and I am glad to inform your excellency that President Escalon once more addressed Presidents Bonilla and Zelaya to-day, tendering them again his friendly mediation to that purpose.

With the highest consideration,

MANUEL DELGARDOS.

File No. 3691/47.

Chargé McCreery to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, February 12, 1907.

Acknowledges department's telegram of the 11th instant, and states that the President of Mexico has telegraphed to the Presidents of Nicaragua and Honduras in like sense. Says that the President of Mexico has informed Presidents of Guatemala, Salvador, and Costa Rica of action taken by the United States and Mexico and has invited them to take like action.

File No. 3691/44.

The Secretary of State to the Minister for Foreign Affairs of Guatemala.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 12, 1907.

I have the honor to acknowledge your excellency's telegram of the 11th in regard to efforts for peace in Central America. A telegram sent to Mr. Combs yesterday before the arrival of your message will doubtless by this time have been communicated to you, showing the efforts now being made by the Presidents of the United States and Mexico. We earnestly hope for the cooperation of Guatemala in the same direction.

ELIHU ROOT.

File No. 3691/49.

The President of Honduras to President Roosevelt.

[Telegram.—Translation.]

TEGUCIGALPA, HONDURAS,
February 12-13, 1907.

I have received, with sentiments of profound gratitude, your excellency's expressive cablegram, which brings forth fresh evidence of the altruistic purposes that guide your excellency and your enlightened Government in your relations with the other countries of America for the good of humanity and civilization. The tribunal of arbi-

trators established on my motion to take cognizance of the incident that took place between Honduras and Nicaragua unfortunately had to separate by reason of the repeated refusals of the Managua Government to observe the dispositions which the tribunal deemed expedient to order as a previous condition to the rendering of its award. The Government of Honduras, on the contrary, yielded from the beginning and without restriction to every disposition the tribunal saw fit to make, and accepted the resolution of that body touching the disarmament and disbandonment of the army. If this was not carried into effect, it was because of the systematic opposition offered to that measure by the ruler of Nicaragua. The policy of my Government has always had for its ultimate object the maintenance of peace; all its efforts have constantly been devoted to that end, and if it now finds itself constrained to make armed preparations against an unjustifiable war, the cause is in the persistent aggressions of the Nicaraguan Government, after exhausting every recourse, for my part, to secure an honorable peace, failure in which was undoubtedly through no lack of good will on the part of my Government, but due to the obstacles that the Government of Nicaragua was bent on opposing at all costs. Under the circumstances I can but receive with deep gratification your excellency's initiative and accept the newly offered arbitration which might be intrusted to either of the Governments of Salvador and Costa Rica, the situation of the contending parties being previously guaranteed while peaceably awaiting the decision of the arbitrament in the form that may be agreed to that effect, and the treaty of Corinto having been declared nonexistent, the dissolved tribunal could not be reorganized again. My Government awaits the decision that may be reached in this respect and is disposed to accept with pleasure as arbitrators either of the Governments I have permitted myself to name.

I am, etc.,

MANUEL BONILLA.

File No. 3691/60.

The President of Salvador to President Roosevelt.

[Telegram.—Translation.]

SAN SALVADOR, *February 13, 1907.*

My Government has exhausted every means within its reach to bring about the pacific settlement of the questions pending between Honduras and Nicaragua in the form proposed by your excellency, or any other reasonable and equitable manner. But our efforts have been ineffective. Last evening I received reply of President Zelaya to my last efforts and I permit myself to transcribe it in full. He says:

To President of Salvador:

Referring to your telegram of to-day, I repeat that if Honduras makes due reparation for the offenses, there shall be no conflict and that I accept mediation in that sense. I thank you for your friendly interest and remain your most affectionate friend.

J. S. ZELAYA.

In view of the aspect assumed by the question, I believe that nothing will avert a conflict between those two countries, but the effective and energetic mediation of Your Excellency's Government.

F. FIGUEROA.

File No. 3691/60.

The President of Nicaragua to President Roosevelt.

[Telegram.—Translation.]

MANAGUA, *February 13, 1907.*

I thank Your Excellency for the cablegram in which your mediation for the peaceful settlement of the conflict with Honduras is offered. I recognize and I appreciate the desirability of the American States preserving peace, and consequently I make every effort to maintain it; but the army of Honduras violated the Nicaraguan territory, attacking the frontier guard, shedding blood, committing outrages, and plunderings. Although such acts naturally justify the demand of immediate reparation, I consented by deference to submit to arbitration. The tribunal insisted that the army be first disbanded, and fresh offenses from Honduras, worse than the preceding ones, occurring in the meantime, Nicaragua refused, it being impossible to let the situation remain defenseless and exposed to other attacks. Before the decision of the tribunal on the disarmament question, Honduras declared the arbitration agreement broken, thus giving evidence of the purpose to break it. My Government only accepted arbitration to determine the reparations for violation of territory, without discussing the existence of offensive acts, because they are notorious and confessed by the Government of Honduras itself. The opposite course would impair the honor, the dignity of the nation. I therefore accept with pleasure your excellency's good offices, and am disposed to let the question be decided by arbitration on the lines above indicated. I must say that public sentiment in Nicaragua is in the same state as that of the American people when the S. S. *Maine* was blown up.

J. S. ZELAYA.

File No. 3691/51.

Chargé McCreery to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Mexico, February 13, 1907.

States that President Diaz is in receipt of a telegram from the President of Nicaragua saying that he would accept mediation only in case Honduras first gives satisfaction. Says that the department may have received a telegram in the same sense. States that no answer has yet been received from Honduras; that Minister Mariscal wishes to know the opinion of the department, and suggests that the United States and Mexico propose the withdrawal of the troops of Honduras to distance of 20 leagues from frontier and the withdrawal afterwards of the troops of Nicaragua to an equal distance from the frontier, after which a tribunal of arbitration could be installed to decide pending questions; that President of Salvador has telegraphed to the President of Mexico that he has exhausted all means in his power to bring about peace, and suggests that in his opinion the only course to secure peace would be earnest mediation by the United States and Mexico.

File No. 3691/49.

President Roosevelt to the President of Honduras.

[Telegram.]

WASHINGTON, *February 14, 1907.*

I thank you for your kind answer to my dispatch of February 11, and I beg you to believe that I highly appreciate the admirable spirit in which you have received and answered the suggestions in the interest of peace. I shall be glad to render any assistance in my power toward working out a practical solution of the interesting problem in accordance with the ideas in which we so perfectly agree.

THEODORE ROOSEVELT.

File No. 3691/60.

President Roosevelt to the President of Nicaragua.

[Telegram.]

WASHINGTON, *February 14, 1907.*

I thank you for your kind answer to my dispatch of February 11, and I beg you to believe that I highly appreciate the admirable spirit in which you have received and answered the suggestions in the interest of peace. I shall be glad to render any assistance in my power toward working out a practical solution of the interesting problem in accordance with the ideas in which we so perfectly agree.

THEODORE ROOSEVELT.

File No. 3691.

The Minister for Foreign Affairs of Guatemala to the Secretary of State.

[Telegram.—Translation.]

GUATEMALA, *February 14, 1907.*

President Zelaya replied to the mediation in the following words: I return expressions (of) thanks to you and through you to the Presidents mentioned for your friendly mediation, which I thankfully accept. Nicaragua demands satisfaction for violation of the territory with (shedding of) blood and for insults (by) the official gazette and municipal acts against my Government. If through mediation of so distinguished mediators Honduras should give demanded satisfaction Nicaragua would gladly return to the state of peace.

With high esteem, your excellency's most affectionate friend,

J. S. ZELAYA.

I reiterate to your excellency, etc.,

JUAN BARRIOS. M.

File No. 3691/58.

The Minister for Foreign Affairs of Guatemala to the Secretary of State.

[Telegram.—Translation.]

GUATEMALA, *February 14, 1907.*

I have the honor to inform your excellency that the following telegraphic dispatches have been received:

[From Tegucigalpa, February 9, 1907.]

To President Manuel Estrada Cabrera, Guatemala:

I have had the satisfaction to receive Your Excellency's courteous cablegram, dated yesterday, by which, in compliance with the friendly motion of the Presidents of the United States and of Mexico, you urge my Government to defer to a pacific settlement with the Government of the Republic of Nicaragua through the tribunal of arbitration organized in accordance with the pact of Corinto. I discharge the pleasant duty of first telling Your Excellency how grateful my Government and the people of Honduras are for your highly valuable and cordial mediation in the difference which now stands between my Government and that of the sister Republic of Nicaragua, which mediation I appreciate to its full high value, both for its source and the brotherly channel through which it is tendered to me. A sincere friend of peace, I myself proposed arbitration as soon as the occasion arose which might originate a rupture. The arbitration once accepted by both contending parties, the Government of Honduras yielded to each and every one of the measures directed by the tribunal of arbitrators, consistently with its great desire not to omit any means of maintaining peace. As soon as the honorable tribunal of arbitrators decided that the armies of both countries be disarmed and disbanded, my Government promptly declared its concurrence in the decision and readiness to act in accordance, thus complying with article 11 of the treaty of Corinto interpreted, in its spirit, by that enlightened body. Unfortunately, the Government of Nicaragua, eluding the compromise it had entered into, refused to accept those conditions, as if foreseeing the rendering of the arbitral award, denying to the tribunal any right of interpretation. This was the reason that brought about the decision of that institution to declare itself dissolved, which it did yesterday between 4 and 5 p. m., considering that the stubborn refusal of one of the parties made its labors useless and the execution of the future award illusory. As you may see, the Government of Honduras has not been and never will be an obstacle in the way of the maintenance of peace, and if it does not pay prompt attention to your friendly initiative, it is because the dissolution of the tribunal for the causes above stated leaves no room for the realization of the generous wishes Your Excellency is pleased to declare in regard to the pacific and honorable settlement of the pending difficulties. I renew to Your Excellency my high consideration, and am your most affectionate servant and true friend.

F. MANUEL BONILLA.

[From Tegucigalpa, February, 1907.]

To the Minister of Foreign Relations, Guatemala:

I have the honor to advise your excellency, for the information of your Government, that owing to the incidents that have arisen between Honduras and Nicaragua, the National Congress of this country issued a decree under date of this day by which the whole Republic is declared to be in a state of siege. On this occasion, I renew to your excellency the assurances of my highest consideration.

(Signed) AUGUSTO C. COALLOS.

I have the great honor to be, with full consideration,
Your obedient servant,

JUAN BARRIOS, M.

File No. 3691/70.

The President of Nicaragua to President Roosevelt.

[Telegram.—Translation.]

MANAGUA, *February 16, 1907.*

Being informed of your second cablegram offering your valuable aid to bring about a practical solution of the Nicaragua-Honduras conflict in conformity with the view that reparation for offenses should be exacted, I thank you for this proof of friendship, and I pray that Honduras may not show reluctance to the philanthropic offices of Your Excellency, for I fear that the continuances of the forces face to face may precipitate a rupture.

I reiterate to you my high consideration.

J. S. ZELAYA.

File No. 3691/69.

The Minister for Foreign Affairs of Guatemala to the Secretary of State.

[Telegram.—Translation.]

GUATEMALA, *February 17, 1907.*

I have the honor to transcribe to your excellency for the information of your enlightened Government the cablegram reading as follows:

[From Tegucigalpa, February 15, 1907.]

I refer with the greatest pleasure to your excellency's valued cablegram of yesterday's date in which you are pleased to renew your friendly mediation to the end of effecting a pacific settlement in the conflict of my Government with that of Nicaragua. I have already had occasion to make known to your excellency the earnest endeavor with which I, for my part, sought a solution of this matter by arbitration, with the result that it could not be achieved because of the repeated refusals of the Government of Nicaragua to accept the conditions imposed by the tribunal of arbitration. This attitude, wholly antagonistic to a pacific settlement, places my Government in a position where it can not take the initiative of an arrangement for a new arbitration which, from the manifest dispositions of the Government

of Nicaragua, might meet the same fate as its predecessor, thus putting before the civilized world another spectacle that would not be very edifying. Adhering, nevertheless, to the peaceful purpose well known to your excellency, I would not, for my part, interpose any obstacle to deferring to the arbitration the mediation may organize to avoid a war I have never desired, without injury to the rights of my Government. Thus acceding to your excellency's generous wishes, I take pleasure in tendering you the sentiments of my regard and friendship.

MANUEL BONILLA.

[From Managua, February 16, 1907.]

Noted contents your excellency cablegram renewing mediation to submit arbitration differences with Honduras. I return thanks for friendly efforts and repeat that Nicaragua wronged and insulted by the Honduran Government accepts nothing but reparation. I deplore that in spite of previous statements of facts, the mediating brother Governments fail to exert themselves in that direction, convinced as they are that it is impossible for Nicaragua to submit to arbitration notorious outrages confessed by the offender. Reparation affords the only means of friendly settlement, but the armies being close to each other and receiving provocations, I do not guarantee delay if events are precipitated. I renew to you my acknowledgment.

Most affectionate friend,

J. S. ZELAYA.

[From San Salvador, February 15, 1907.]

I have the honor to refer to your courteous telegram, dated yesterday, in which you are pleased to propose bases for the specific settlement of the question pending between Honduras and Nicaragua and express a desire that we address a joint invitation to the Governments of those Republics. In reply I have to say that my Government has already addressed those of Honduras and Nicaragua tendering them its friendly mediation, and that the bases indicated by your excellency being deemed by it very proper and opportune, I accept them with pleasure and should wish that your excellency would come to an understanding with the most excellent presidents of the sister Republics and invite them to accept in the name of Guatemala and Salvador. With full consideration,

I am your excellency's obedient servant,

MANUEL DELGADO.

While transcribing these telegrams to your excellency I am,

Your most obedient servant,

JUAN BARRIOS, M.

File No. 3691/75-76.

Message addressed by President Diaz to the Presidents of Honduras and Nicaragua.^a

[Translation.]

Fearing an armed conflict between these Republics, which might extend to other Central American States, and in conformity with the

^a Handed to the Secretary of State by the Mexican ambassador, February 19, 1907.

initiative of President Roosevelt, I have addressed the Presidents of Guatemala, El Salvador, and Costa Rica to ask them that they may unite with us in the request that we are making to Your Excellency that all warlike preparations may cease and that you may agree to abide by the decision of arbitration all the differences that this nation may have with (the other). The Presidents of the said Central American States will make you the same request, and will furthermore say that in our judgment the arbitration court which held its session at San Salvador should be again constituted, its powers extended, if it were necessary, to the new differences that may occur, or that a new tribunal shall be established to determine all those points of difference, thus preventing the deplorable consequences of a war which, in the present circumstances, would greatly injure not only the belligerents, but also other Central American States, and in general the reputation or credit of all nations of the Spanish race or civilization.

File No. 3691/89.

The President of Honduras to President Roosevelt.

[Telegram.—Translation.]

TEGUCIGALPA, HONDURAS, *February 19, 1907.*

Pending the progress of Your Excellency's friendly mediation, a fresh occurrence has taken place which furnishes an additional proof of the lack of formality of the Nicaraguan Government in its official conduct. Yesterday at 4 p. m. a small detachment which was reconnoitering the frontier encountered in Honduran territory an armed force which was engaged in constructing fortifications. This was incontestably within the jurisdiction of Honduras, and was opposite an organized camp of the Nicaraguan army. Honduras found itself obliged to obstruct, completely routing it after two and a half hours of fighting and driving it from our territory toward Nicaraguan territory. This invading force was composed of political refugees from Honduras, from whom were taken proclamations and manifestos in which is shown the organization of a factional government. They were armed with weapons recognized to be those of the Nicaraguan Government. This unwarranted proceeding, committed while an endeavor was being made to reach an agreement in compliance with your excellency's suggestion, which I accepted with the greatest pleasure, appears to place the present Government of Nicaragua without the pale of civilization, and it becomes necessary for my Government to take the most energetic measures in order to avoid a repetition of the occurrence.

I reiterate to Your Excellency the expressions of my highest esteem.

MANUEL BONILLA.

File No. 332/46B.

The Secretary of State to Minister McCreery.

No. 202.]

DEPARTMENT OF STATE,
Washington, February 20, 1907.

SIR: I inclose herewith a copy of a note which I addressed on the 8th instant to the chargé d'affaires ad interim of Honduras, stating

the procedure which to this department appears necessary to make effective the engagements of Article V of the convention signed on the *Marblehead* on July 20, 1906, and of Article III of the general treaty of amity signed at San Jose on September 24, 1906, with respect to submission to the arbitration of the Presidents of the United States and Mexico of the differences between Honduras, Guatemala, and Salvador.

While it may be premature to consider the manner in which the stipulation of the treaty of San Jose is to be carried out, it may not be out of place to suggest that it may be convenient to assume that the words "Their Excellencies the Presidents of the United States of America and of the United States of Mexico being hereby designated as arbitrators" may be deemed to permit the parties to the arbitration to submit their differences to either or both of the arbitrators so designated. It is conceivable that either the nature of the matter to be arbitrated or its comparative unimportance may make it inconvenient for the Presidents of the United States and of Mexico to act jointly as arbitrators, and that provision should be made for the selection of either to act alone or perhaps for the delegation of arbitral powers of the respective Presidents (in the event of their being invited to act jointly) to the deputy or deputies they may name for that purpose.

You will communicate these views to the Government of Mexico for the information of President Diaz.

I am, etc.,

ELIHU ROOT.

File No. 332/46C.

The Secretary of State to the Guatemalan Chargé.

No. 26.]

DEPARTMENT OF STATE,
Washington, February 20, 1907.

SIR: I have the honor to inclose herewith a copy of a note which I addressed to the chargé d'affaires ad interim of Honduras on the 8th instant stating the procedure which to this department appears necessary to make effective the engagements of Article V of the convention signed on the *Marblehead* on July 20, 1906, and of Article III of the general treaty of amity signed at San Jose on September 24, 1906, with respect to submission to the arbitration of the Presidents of the United States and Mexico of differences between Guatemala, Honduras, and Salvador.

Requesting that you will be so good as to bring these views to the knowledge of your Government, I avail myself of this occasion to offer to you the renewed assurances of my high consideration.

ELIHU ROOT.

File No. 332/46D.

The Secretary of State to the Minister for Foreign Affairs of Salvador.

DEPARTMENT OF STATE,
Washington, February 20, 1907.

EXCELLENCY: I beg leave to inclose herewith, in order that the views therein contained may come to the knowledge of your Govern-

ment, a copy of a note which I addressed to the chargé d'affaires ad interim of Honduras at Washington on the 8th instant stating the procedure which to this department appears necessary to make effective the engagements of Article V of the convention signed on the *Marblehead* on July 20, 1906, and of Article III of the general treaty of amity signed at San Jose on September 24, 1906, with respect to the submission to the arbitration of the Presidents of the United States and Mexico of differences between Guatemala, Honduras, and Salvador.

Accept, etc.,

ELIHU ROOT.

File No. 3691/87.

Minister Combs to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Guatemala, February 22, 1907.

Reports that the minister for foreign affairs of Honduras telegraphs that Nicaragua, by its invasion of Honduras, has terminated pending negotiations for pacific settlement.

File No. 3691/196A.

The Secretary of State to Minister Merry.^a

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 15, 1907.

Informs Mr. Merry that in view of the repeated statement in certain quarters that the President has admitted the justice of Nicaragua's charges against Honduras, it is proper to say that nothing in the President's telegrams of February 11 and 14 warrants an interpretation so contrary to the declared absolute impartiality of the President. His telegram of the 14th to the President of Nicaragua said: "I shall be glad to render any assistance in my power toward working out a practical solution of the interesting problem in accordance with the ideas in which we so perfectly agree." This related to the declaration of the President of Nicaragua in his telegram of February 13, in which he said: "I recognize and appreciate the desirability of the American States preserving peace." Mr. Root further informs Mr. Merry that the President has expressed no opinion as to the merits of the unfortunate controversy, and could not do so consistently with his attitude as the unbiased friend of both and his solicitude to do everything possible to restore peace.

File No. 3691/154-156.

The Acting Secretary of State to Minister Merry.

No. 735.]

DEPARTMENT OF STATE,
Washington, March 22, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 1244, of the 28th ultimo, inclosing a printed copy and translation of an ex-

^a Same to the American legation at Honduras.

cerpt from the final act of dissolution of the Central American Arbitral Tribunal, dated San Salvador, February 8, 1907, and a copy and translation of an excerpt from a telegram sent by President Zelaya to Mr. Anderson, Costa Rican minister for foreign relations, dated the 18th ultimo, stating that he (President Zelaya) has the moral support of the President of the United States in making war upon Honduras.

On the 15th instant the department sent you the following telegram, which I now confirm:^a

The same telegram was also sent, on the same date, to the American chargé d'affaires ad interim at Tegucigalpa.

I am, etc.,

ALVEY A. ADEE.

File No. 3691/295.

The Mexican Minister for Foreign Affairs to the Mexican Ambassador.

[Telegram.]

Mexico City, March 25, 1907.

Both Salvador and Honduras wish that President Diaz should propose an armistice. In view of this favorable opportunity, please ask what is the opinion of the American Government as to what should be done to promptly secure peace in Central America. President Diaz wishes to act in full accord with President Roosevelt in everything concerning the use of friendly influence for such purpose.

MARISCAL.

File No. 3691/232.

Minister Merry to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
San Jose, C. R., March 26, 1907.

Reports that the Honduras army is being defeated by the Nicaraguan army and that the Government of Costa Rica, for the sake of Central American peace, requests that this Government, jointly with that of Mexico, will intervene in favor of peace. Adds that the Salvadorian Government is joining in the solicitation.

File No. 3691/243.

Chargé Brown to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

AMERICAN LEGATION,
Tegucigalpa, March 27, 1907.

Informs Mr. Root that Tegucigalpa was abandoned early yesterday precipitately and occupied last night by the Nicaraguan and revolutionary forces. Also informs Mr. Root that he assumed charge in the interval with aid of consuls to preserve order.

^a Supra.

File No. 3691/262.

Minister Lee to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Guatemala, March 29, 1907.

Reports that Tegucigalpa was abandoned early yesterday and occupied last night by forces of Nicaragua and revolutionists. Also reports that Chargé Brown advises assumed charge with consuls to preserve order. Further reports that official announcement has been received here that forces of Nicaragua were bombarding Amapala to-day at noon and that general complication is to be feared.

File No. 3691/301.

Chargé Brown to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

AMERICAN LEGATION,
La Union, Salvador, April 4, 1907.

Mr. Brown reports that the President of Guatemala, through the President of Salvador, sends him a special message expressing an earnest desire for the successful mediation for peace in Central America, and that Salvador and Nicaragua have avoided any declaration of war or formal admission of same, but a peace conference is absolutely necessary to clear the situation.

File No. 3691/383.

The President of Salvador to President Roosevelt.

[Telegram.—Translation.]

SAN SALVADOR, SALVADOR,
April 8, 1907.

Very sincere thanks for considerate complaisance respecting continuation peace negotiations by Chargé Brown. Whatever good result is achieved will be due to the good offices of your Government and you will have the thanks of Central America.

F. FIGUEROA.

File No. 3691/384.

Chargé Brown to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
La Union, Salvador, April 11, 1907.

Mr. Brown reports that peace is assured and that the Government of Salvador accepts considerate propositions made through him by the President of Nicaragua for a peace conference in the port of Amapala between the two presidents in person immediately upon

the surrender of that port, which he expects will be effected within twenty-four hours. He also reports that the use of American war vessels is desired and needed for this purpose, and he would request instructions to war vessels in order to be able to offer all necessary courtesies and facilities for an immediate conference. Mr. Brown further reports that the President of Nicaragua expressed grateful appreciation of the friendly attitude of the Government of the United States in behalf of peace in Central America.

File No. 3691/384.

The Acting Secretary of State to Chargé Brown.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 13, 1907.

Your telegram of the 11th. The propositions of the President of Nicaragua and his assurance that war is ended are confirmed by Nicaraguan minister. Secretary of Navy orders our ships to be placed at disposal of the two Presidents, extending all possible courtesies.

The President is telegraphing to-day to the Presidents of Nicaragua and Salvador offering war ship, and further offering in interest of immediate peace to cooperate with Mexico in procuring that there shall be no unfriendly agitation on the frontier by forces of Salvador and Guatemala, which shall be withdrawn forthwith, similar assurances being given by Presidents Diaz and Roosevelt to Nicaragua and Guatemala.

BACON.

File No. 3691/383.

President Roosevelt to the President of Salvador.

[Telegram.]

WASHINGTON, April 13, 1907.

I deeply appreciate your message of 8th instant. I am advised to-day by message from Mr. Brown, and by a communication from Nicaraguan chargé, that peace is assured and that Your Excellency and President Zelaya are to confer at Amapala in person in behalf of lasting peace. I shall be most thankful if the hospitality of our war ships can serve to carry out this welcome purpose, and have directed that the *Chicago* be placed at the disposal of yourself and President Zelaya. Responding to a suggestion from President Zelaya and relying upon his assurance that war is ended, I offer, jointly with the President of Mexico, to undertake to procure that there shall be no unfriendly agitation on the frontier by the forces of Salvador and Guatemala, which shall be withdrawn forthwith, similar assurances being given with your consent by President Diaz and myself to the Presidents of Nicaragua and Guatemala.

THEODORE ROOSEVELT.

File No. 3691/412.

The President of Salvador to President Roosevelt.

[Telegram.—Translation.]

SAN SALVADOR, *April 14, 1907.*

Animated by desires identical with those expressed to Your Excellency by President Zelaya, I take pleasure in confirming to you that, for my part, I am ready to attend in person the conference at Amapala to which I am invited by that functionary to adjust with him the concrete bases that may secure permanent tranquillity for our countries. I extend to Your Excellency my most earnest thanks for the assurance you give me, jointly with General Diaz, that there shall be no hostile demonstration of the Nicaraguan forces in Honduras, and I now hereby make the offer that the concentration of the forces of this Republic shall be effected simultaneously with that of the forces of Guatemala and Nicaragua in the manner that may be agreed upon. I further accept with thanks your generous offer of the *S. S. Chicago* to take me to Amapala. Once more Your Excellency's friendly cooperation in the cause of Central American peace will be received by the people and governments with expressions of gratefulness and with the gratitude of Your Excellency's servant.

F. FIGUEROA.

File No. 3691/433.

The President of Nicaragua to President Roosevelt.

[Telegram.—Translation.]

MANAGUA, NICARAGUA, *April 15, 1907.*

I thank Your Excellency for the voluntary congratulation which you sent to me on the termination of the war with Honduras, and for the offer of your ships in order to make peace with Salvador. I also thank Your Excellency for the joint assistance which you offer, together with President Diaz, toward compelling Salvador and Guatemala to withdraw all disturbing elements from the frontiers, extending to them a like guarantee on my part, which I accept, but regret to state that Salvador, taking advantage of my trust in promises of a mutual armistice, has sent the fugitives of Bonilla against Honduras, arming them amply and even giving them Salvadorean soldiers, who have surprised the city of Santa Rosa and occupied the Department of Gracias in increased numbers. I deem it my duty to protest to you against this conduct which, they say, Guatemala is secretly helping. I reiterate to you my sincere regards.

J. S. ZELAYA.

File No. 3691/418.

Chargé Brown to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

AMERICAN LEGATION,
La Union, Salvador, April 16, 1907.

Reports that, on account of health, the President of Nicaragua will be unable to attend the conference, and both countries will be repre-

sent by ministers for foreign affairs. The conference should open day after to-morrow. Also reports that advices from Tegucigalpa indicate a disquieting situation because of absence of the recognized responsible Government.

File No. 3691/436.

Chargé Brown to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
La Union, Salvador, April 19, 1907.

Reports that the Salvadorean minister for foreign affairs states that the condition of anarchy in Honduras justifies Salvador in maintaining forces on the frontier as a measure of self-defense. Also reports that the peace negotiations are not yet concluded, but that he is hopeful, provided the revolution against Salvador is suppressed. Adds that the attitude of Nicaragua on this point is not at all clear.

File No. 3691/454.

Chargé Brown to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Amapala, April 23, 1907.

Reports that peace terms have been agreed upon in principle and that the treaty should be signed to-day. Adds that the ministers leave to-night.

File No. 3691/494.

Chargé Brown to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Amapala, April 24, 1907.

Reports that the treaty of peace and amity which has been signed is similar to the *Marblehead* treaty, and includes provision for a Central American Peace Congress in Nicaragua and a special commercial treaty between the two Republics. Adds that the friendly mediation of the United States is gratefully acknowledged by both countries.

The President of Salvador to President Roosevelt.

[Telegram.—Translation.]

SAN SALVADOR, *April 24, 1907.*

Ministers of Nicaragua and of this Republic advised me last night that peace on terms honorable to both Republics was signed. In the name of the people and my own I tender to you the testimonials of thanks for the good offices lent in the cause of peace.

F. FIGUEROA.

File No. 3691/498.

The President of Nicaragua to President Roosevelt.

[Telegram.—Translation.]

MANAGUA, NICARAGUA, *April 25, 1907.*

Peace signed day before yesterday, Amapala. I thank Your Excellency for your great work toward achieving that happy result.

J. S. ZELAYA.

File No. 3691/498.

President Roosevelt to the President of Nicaragua.

[Telegram.]

WASHINGTON, *April 26, 1907.*

I thank Your Excellency for your expressions of appreciation for the services of this Government in the interest of peace.

THEODORE ROOSEVELT.

File No. 3691/588.

Chargé Brown to the Secretary of State.

[Extracts.]

AMERICAN LEGATION,
Guatemala, April 30, 1907.

SIR: I have the honor to transmit herewith a copy with translation appended of the treaty of peace signed at Amapala on the 23d instant between Nicaragua and Salvador. The original has been placed on the files of this legation.

Without attempting to present a detailed report of all that took place during this conference, I desire to inform the department of certain facts in this connection which may be of interest and importance.

The conference was opened in Amapala on the morning of the 18th instant, and was between Señor Gamez, minister of foreign affairs for Nicaragua, and Señor Dr. Garcia Gonzales, minister of foreign affairs for Salvador. The conference was held on shore instead of on the U. S. S. *Chicago*, because Minister Gamez stated he had received definite instructions in this sense.

Both ministers earnestly requested I be present during their discussions, but I refrained from taking any part whatever, except when directly solicited to do so, when any particular point at issue was submitted to me. I was gratified to realize from the first that both ministers apparently had complete confidence in my impartiality, and before the conference was ended I received proofs of their sincerity in this respect.

During this conference I was pleased to observe very marked evidences of complete confidence on the part of both ministers in the impartiality and disinterestedness of the United States Government in its friendly mediation through myself in behalf of peace in Central America, and it was insisted upon by them that the treaty to have

value should be signed also by me as representing the "moral force" of my Government. One of the happiest results of this conference I believe to be a much fairer appreciation on the part of all these countries of the friendly, considerate, and just attitude of President Roosevelt and of the United States toward our sister Republics in Central America.

It may be of interest to the department to know that President Estrada requested me to call the day after my return from Honduras, and expressed the greatest satisfaction with the happy termination of a very difficult situation which had caused Guatemala considerable anxiety.

The treaty signed at Amapala may not effect all that is anticipated, but it at least put an end to a very threatening situation for the time being. I am confident it affords the basis for a prolonged peace in Central America.

I have, etc.,

PHILIP BROWN.

[Inclosure.—Translation.]

Treaty of peace between Nicaragua and Salvador, signed in Amapala, April 23, 1907.

The undersigned, Jose Dolores Gamez, minister for foreign affairs of the Republic of Nicaragua, and Ramon Garcia Gonzalez, minister for foreign affairs of the Republic of El Salvador, each in the representation of his respective Government, and fully authorized according to the full powers exhibited and which were found to be in good and due form, after extensive discussion and with the friendly mediation of Mr. Philip Brown, chargé d'affaires of the United States near the Government of the Republic of Honduras, have agreed to celebrate the treaty of peace, friendship, and commerce contained in the following clauses:

I.

The good harmony and friendly relations existing between the signatory Governments having been altered in consequence of the late war between Nicaragua and Honduras, in which the Government of El Salvador found itself obliged to intervene on account of its alliance with the Government of Honduras that was presided over by General Manuel Bonilla, and taking in consideration powerful reasons of the necessity and convenience to restore peace between both countries and after protracted discussions they have mutually agreed to reestablish the friendly relations which were temporarily interrupted on the base of the best good faith that ought to rule in the friendly understanding of two sister Republics.

II.

Peace being reestablished by the present treaty, the signatory Governments herewith agree that the Government of Nicaragua is to issue an invitation to the other Governments of Central America to attend a Central-American Congress that will be held at Corinto, pursuant to the propositions made by the representatives of the Governments of these Republics conjointly with the American Secretary of State in Washington, this congress will be composed of representatives of the five sister Republics, who will have full powers to conclude a general treaty of peace and friendship having for a base obligatory arbitration, to replace the former treaties of the same nature, celebrated at Corinto and at San Jose of Costa Rica, with the purpose of avoiding in the future armed conflicts between sister Republics. The representatives of the five Republics will moreover be able to conclude arrangements in reference to commerce, navigation, and any other questions that they may judge profitable to Central American interests.

III.

While the disposition of the foregoing clause is being complied with it remains stipulated herewith that any difference that may arise in the future between El Salvador and Nicaragua that might alter their good relations shall be adjusted by means of the obligatory arbitration of the Presidents of the United States and of Mexico, conjointly, who shall have the power in case of not arriving at an agreement, to name a third person, whose decision shall be definite. The President of Mexico will have the right to delegate his faculties as arbitrator upon the person of the Mexican ambassador at Washington or on the person that he may designate.

IV.

As a manifestation of the sincerity with which the signatory Governments have proceeded and also of the confidence that they have in the fulfillment of all the clauses of this treaty, they offer with the best good will to issue in their respective countries a decree of unconditional and ample amnesty in favour of their countrymen who may have taken opposite sides in the last events of Honduras.

V.

El Salvador and Nicaragua solemnly pledge themselves to celebrate a treaty of commerce on the base of interchange.

VI.

The present treaty shall be ratified and the ratifications shall be exchanged in the city of Managua or at San Salvador, a month after the last ratification or before that time if possible.

In witness whereof, the negotiators have signed the present treaty in triplicate, conjointly with Mr. Philip Brown, chargé d'affaires of the United States near the Governments of Honduras and Guatemala, who has interposed his good offices and the moral authority of the country which he represents. Done at Amapala this twenty-third day of April in the year one thousand nine hundred and seven.

[SEAL.]

RAMÓN GARCÍA GONZALEZ.
 JOSÉ D. GÁMEZ.
 PHILIP BROWN.

File No. 3691/663-665.

The Salvadorian Minister to the Secretary of State.

LEGATION OF SALVADOR,
 Washington, June 10, 1907.

SIR: I have the honor to inclose copy of a dispatch received by me from the minister of foreign relations of El Salvador transmitting official reprint of the treaty of Amapala, signed by the plenipotentiaries of my Government and that of Nicaragua on the 23d of April last, which treaty was duly ratified by the National Assembly of El Salvador on the 8th ultimo.

As I beg you will be good enough to note, my Government in this connection most respectfully solicits the good offices of the President of the United States, and earnestly hopes that he may see his way clear to act as arbitrator as indicated in article 3 of the treaty. In event the many duties of his high office permit him to thus act, the Government and the people of El Salvador, imposing as they do the most profound faith in his keen sense of justice and great honesty of purpose, would receive his consent with sentiments of deep gratitude and genuine satisfaction.

Please accept, etc.,

F. MEJIA.

[Inclosure.—Translation.]

*The Minister for Foreign Affairs of Salvador to the Salvadorian Minister.*MINISTRY OF FOREIGN AFFAIRS,
San Salvador, March 17, 1907.

SIR: The National Assembly, by decree of the 8th instant, ratified the treaty of peace, friendship, and commerce concluded at Amapala on April 23 last, between El Salvador and Nicaragua.

I inclose copy of the *Diario Oficial*^a in which this treaty is published, and, as you will observe by article 3, it is stipulated that all ensuing differences (pending the meeting of the Central American Congress) between El Salvador and Nicaragua which may affect their good relations shall be determined by means of obligatory arbitration, conjunctively, by the Presidents of the United States and Mexico, who will have power to select a third (arbitrator) in event of disagreement, and whose decision shall be final. Furthermore, the President of Mexico may delegate his authority, as arbitrator, to the ambassador of Mexico at Washington, or to such other person as he may designate.

Hence this ministry desires that you will inform the Department of State that our Government hopes the President of the United States will condescend to accept the charge referred to in the article above mentioned.

I am, etc.,

RAMON GARCIA GONZALEZ.

File No. 3691/663-665.

The Secretary of State to the Salvadorian Minister.

No. 2.]

DEPARTMENT OF STATE,
Washington, June 20, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, with which you inclose a copy of a dispatch received by you from the minister for foreign affairs of Salvador covering an official reprint of the treaty of Amapala and soliciting the consent of the President of the United States to act as arbitrator as indicated in Article III of the treaty.

The said Article III, in rough translation, reads as follows:

Meanwhile, to give effect to the last clause, it is stipulated that any differences which may occur hereafter between El Salvador and Nicaragua, affecting their friendly relations, shall be settled through obligatory arbitration by the Presidents of the United States and Mexico jointly, who shall be authorized to nominate a third arbitrator, whose decision shall be final. The President of Mexico may delegate his authority to the Mexican ambassador at Washington or to the person the latter may designate.

The treaty of Amapala having been concluded upon the advice and with the friendly cooperation of the United States and Mexico, the President will gladly give his services toward the faithful observance of its provisions if and when occasion therefor shall arise. The President could, however, indicate his willingness to accept the office of arbitrator only if invited to do so by both parties to the treaty in coincident or identic communications addressed to him through the diplomatic channel, and thus far no such communication has been received from the Government of Nicaragua.

Accept, etc.,

ELIHU ROOT.

^a Not printed; treaty printed, supra.

FURTHER GOOD OFFICES OF THE PRESIDENTS OF THE UNITED STATES AND MEXICO FOR THE CONSERVATION OF PEACE IN CENTRAL AMERICA.

File No. 6775/57.

The Honduran Minister to the Secretary of State.

[Translation.]

LEGATION OF HONDURAS,
Washington, D. C., August 18, 1907.

SIR: I have been instructed by my Government to solicit of the American Government the support necessary for the maintenance of the neutrality of Honduras in the possible war that is now expected to take place between Salvador and Nicaragua.

On thus applying to Your Excellency to that end and complying with my instructions aforesaid, I take the liberty of saying to you that, owing to its geographical situation between the two countries, Honduras is threatened with a violation of its territory by either party attempting to cross into the other's territory; that it has notified both of its intention to remain neutral in the conflict and of its purpose to maintain the sovereignty of the country and prevent the transit of military forces over its territory; that the Mexican Government recognized the Government of Honduras on the 10th instant, and both before and after the recognition tendered its support in the cause of the neutrality of my country, and that my Government believes that the joint action of both the American and Mexican Governments would be most effective in carrying out its programme of peace.

At the same time, the Government of Honduras, in concert with the Mexican Government, has entered upon negotiations with the Governments of Salvador and Nicaragua with a view to bringing about an honorable and satisfactory settlement of the pending questions; and those negotiations would have more weight and would more likely be attended with success if my Government was adequately secured in regard to its neutrality.

Knowing as I do the fraternal sentiments of the United States toward our countries and its desire that peace, which is so necessary to their progress and development, shall be maintained among them, I am confident that your Government will appreciate the attitude assumed by mine and will aid it in its sound purpose of averting a war of such incalculable portent to Central America.

Although the Government of Honduras has not yet been officially recognized by the Government of the United States, I believe that the fulfillment of the requisites for such a recognition and the urgency of the circumstances confronting it justify me in addressing Your Excellency, as I now do, and in begging you to return on this subject a reply that I may forward without delay.

With assurances, etc.,

ANGEL UGARTE.

File No. 6775/62.

The Mexican Minister to the Secretary of State.

[Translation.]

No. 25.]

EMBASSY OF MEXICO,
Freeport, N. Y., August 21, 1907.

HONORABLE SIR: Confirming my communication in our interview of yesterday touching the probabilities of war in Central America, I have the honor to inform you that my Government is in receipt of positive information that hostilities are about to break out among those Republics through the invasion of Nicaragua by Guatemalan and Salvadorean forces, and that in view of this circumstance the President of the Mexican United States is resolved on interposing his friendly influence in the cause of peace, as he has done in similar cases.

By special directions of my Government I bring this decision to your knowledge and beg you to kindly let me know if there be no objection thereto, whether the Government of the United States is disposed to mediate in the same sense, as in that case both Governments might take simultaneous action.

I have, etc.,

JOSE F. GODOY.

File No. 6775/62.

President Roosevelt to the President of Mexico.

WASHINGTON, August 25, 1907.

I have had great pleasure in learning, through the representatives of your Government, of your efforts in behalf of peace in Central America. Having also recognized the provisional government of Honduras, I am now in a position to address to each of the five Central American executives an earnest appeal for peace and a tender of friendly offices coincidentally with you. To this end I am prepared to send a personal message in the following sense, if you deem it appropriate and are disposed to take similar action.^a

THEODORE ROOSEVELT.

File No. 6775/111.

The President of Mexico to President Roosevelt.

[Telegram.—Translation.]

MEXICO CITY, MEXICO, August 27, 1907.

With great satisfaction I have received your telegram in which you include a draft of a telegram from yourself to the Presidents of the five American Republics, adjuring them to avoid the war which appears to be imminent between some of them, and to resort to peaceful means, such as a conference, for the settlement of their differences.

^a See telegram of August 28, p. 638.

You are so good as to say to me that you are prepared to send that telegram if I deem it appropriate and am disposed to take a similar step.

In reply I have great pleasure in saying to you that your draft telegram appears to me incapable of improvement, and that I am about to telegraph, day after to-morrow, to the five Central American Presidents substantially in terms identical with those you employ, being confident that you will do the same forthwith, and that your valuable mediation will have sufficient weight to accomplish the laudable end which we both seek.

PORFIRIO DIAZ.

File No. 6775/62.

President Roosevelt to the President of Guatemala.^a

[Telegram.]

WASHINGTON, August 28, 1907.

It is with great regret that I have received information indicating the imminence of disturbance of the peace of Central America.

In view of the untold benefits of peaceful relations among your countries, not only to yourselves but to America and to the world at large, I am led by sentiments of impartial amity to cooperate most earnestly with the President of Mexico in lending friendly influence in the cause of peace and humanity, as has been done before in similar cases.

A conference having been suggested between representatives of the Republics of the Central American States, I cordially tender the good offices of the United States toward bringing about so beneficial a result, and I beg to assure Your Excellency of my desire and willingness to contribute toward the attainment of peace, in full concurrence with the President of Mexico.

I appeal to Your Excellency to aid in the realization of my friendly purpose by refraining from any action tending to increase the dangers of the situation pending a further resort to the peaceful methods of diplomacy.

I am telegraphing in the same sense to the Presidents of the other Central American States.

THEODORE ROOSEVELT.

File No. 6775/62.

President Roosevelt to the President of Mexico.

[Telegram.]

WASHINGTON, August 28, 1907.

Having received your gratifying response to my inquiry, I have to-day addressed identic telegrams to the five Central American presidents. I sincerely trust that our concurrent appeal in behalf of peace may have good results.

THEODORE ROOSEVELT.

^a Mutatis mutandis to the Presidents of Nicaragua, Honduras, Salvador, and Costa Rica.

File No. 6775/62.

The Acting Secretary of State to Ambassador Thompson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 28, 1907.

After conferring with President Diaz, President Roosevelt to-day addressed a personal message to each Central American president, of which I send you text for your information.^a

It has been agreed that President Diaz shall send a telegram in similar sense.

ADEE.

File No. 6775/73.

The President of Salvador to President Roosevelt.

[Telegram.—Translation.]

SAN SALVADOR, August 29, 1907.

I greatly appreciate the sentiments expressed in your courteous telegram of yesterday, and I assure you that I am ready to cooperate in all possible ways to the attainment of the end which we all so ardently desire—durable peace.

I highly esteem the honor which Your Excellency and His Excellency President Diaz have done me by your good offices and efforts to aid in bringing about a friendly adjustment of the difficulties which may exist between several of the Central American Republics, and I can assure you that not only will Salvador abstain from any steps which might enhance the gravity of the situation, but that I shall do everything within my reach to aid Your Excellency in any way which may be possible.

I am in accord with the suggestion of a peace conference, and I deem it, if our hopes be realized, the appropriate way to bring about an immediate and lasting peace in all Central America.

FERNANDO FIGUEROA.

File No. 6775/113.

The President of Nicaragua to President Roosevelt.

[Telegram.—Translation.]

MANAGUA, NICARAGUA, August 29, 1907.

With genuine satisfaction I have received your important telegram of the 28th instant, in which Your Excellency is pleased to interpose your powerful mediation to uphold the peace of these Republics.

I am gratified to see that on this occasion, as on others heretofore, Your Excellency displays the same noble spirit that has ever animated you in the cause of Central American peace, and as you invite me to bring my contribution to the success of this admirable purpose, I have pleasure in saying to Your Excellency that I gladly accept

^a Supra.

the invitation, since any plan that aims at such elevated ends will be most favorably received and most earnestly and frankly supported by me.

J. S. ZELAYA.

File No. 6775/115.

The President of Costa Rica to President Roosevelt.

[Telegram.—Translation.]

SAN JOSÉ, COSTA RICA, *August 29, 1907.*

Having received Your Excellency's telegraphic message, it is very gratifying to me to express to you the thankfulness with which I regard your interest in the peace and well-being of these Republics, which Your Excellency brings into clear relief on this occasion as on former occasions.

The traditional policy of Costa Rica, which is firmly upheld by my Government, has been to maintain the most friendly relations with the sister Republics of Central America, and to omit no possible means of contributing to the conservation of Central American peace.

Entertaining these views, nothing can be more satisfactory to me than to defer with pleasure to the desires of Your Excellency and of His Excellency the President of the United States of Mexico, concurring with you and him in your efforts in favor of the peace which is so necessary to our countries for their development, especially as the relations of Costa Rica with the other Republics of Central America are in every way cordial—we being entirely aloof from any difference, and in a position to cooperate to the proposed end.

CLETO GONZALEZ VIQUEZ.

File No. 6775/114.

The President of Honduras to President Roosevelt.

[Telegram.—Translation.]

TEGUCIGALPA, HONDURAS, *August 30, 1907.*

I have the satisfaction to state to Your Excellency in response to your message of yesterday's date that my Government very gladly accepts the offer of the friendly offices of the United States to attain the important result of establishing lasting peace in Central America, and that I shall view with equal pleasure the early meeting of the proposed conference of the plenipotentiaries of the five Central American Republics.

The attitude of my Government in the face of the dangers of armed conflict between the neighboring States has been one of complete neutrality and of friendly overtures to avert war, and Your Excellency may rest assured that my Government will be guided by the selfsame purpose pending the arrangements for concluding a definitive peace.

I reply to-day in the same sense to His Excellency the President of Mexico.

The Central American people, wearied by their barren strifes, will gain inestimable benefit from the noble offices of Your Excellency and of His Excellency President Diaz, and will testify their gratitude.

MIGUEL R. DÁVILA.

File No. 6775/112.

The President of Guatemala to President Roosevelt.

[Telegram.—Translation.]

GUATEMALA, August 30, 1907.

I have had the honor to receive the invitation which Your Excellency was pleased to address to me for my help in the realization of the friendly purposes of Your Excellency, refraining from any action that might tend to increase the dangers of the present situation of some of the Central American countries, and advocating their resort to the means of diplomacy to obtain peace not only for their benefit but also the benefit of the world, to which end Your Excellency is animated to the most efficacious cooperation with the President of Mexico, exerting a friendly influence as Your Excellency has done before in similar cases, and suggesting a conference between the representatives of Central American Republics, toward the beneficent results of which Your Excellency cordially offers the earnest offices of the United States. In reply, it is very gratifying to me to state to Your Excellency that I am in all respects of your opinion and share your benevolent feelings in favor of these nations and of the world's peace, and that I, too, am determined to labor with Your Excellency and His Excellency the President of Mexico toward the attainment of such noble purposes, which are the same that have guided me not only at the present time but under the same conditions that previously have arisen. With that purpose I address myself to-day to all the Presidents of the Central American States, expressing the hope that they will accept the conference and thus reward Your Excellency's generous initiative that you have taken for peace in Central America, be assured, etc.,

M. ESTRADA C.

File No. 6775/83

The President of Mexico to President Roosevelt.

[Telegram.—Translation.]

MEXICO CITY, MEXICO, August 31, 1907.

Your Excellency's telegram concerning mediation received. I see with pleasure that it is in entire accord with my own ideas. The minister of Nicaragua conveys to me the desire of his Government that the projected conference take place in Mexico September proximo. For my part, I see no obstacle, provided the other interested governments freely accept. Will Your Excellency be pleased to tell me if you think it appropriate that the desire of Nicaragua be communicated to them simultaneously by Your Excellency and by me?

PORFIRIO DIAZ.

File No. 6775/84.

The President of Salvador to President Roosevelt.

[Telegram.—Translation.]

SAN SALVADOR, SALVADOR, *September 1, 1907.*

For my part, I permit myself to propose that the conference be held in Washington, especially as it is the most adequate and practical spot. I would greatly thank Your Excellency if you would use your good offices to have the conference carried out as early as possible.

FERNANDO FIGUEROA.

File No. 6775/93.

The Guatemalan Minister to the Acting Secretary of State.

[Translation.]

No. 30.]

LEGATION OF GUATEMALA,
Washington, September 6, 1907.

SIR: I have the honor to inform the Department of State that I received a cablegram on the 5th instant from the minister of foreign relations of Guatemala in which he expresses to me the desire of my Government that the Central American Peace Conference, to which invitations were sent by Their Excellencies Presidents Roosevelt and Diaz, be held in Washington as soon as possible.

I embrace this opportunity, etc.,

LUIS TOLEDO HERRARTE.

File No. 6775/93.

The Acting Secretary of State to Minister Lee.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 8, 1907.

(Mr. Adee informs Mr. Lee that the good feeling of the President of Guatemala is highly appreciated, and an encouraging disposition has developed here among Central American ministers for concluding a preliminary protocol looking to a conference toward the end of October and engaging to maintain in the meantime pacific attitude. Mr. Adee adds that he hopes the minister from Guatemala will be authorized thereto, if he has not already been authorized. The protocol may conveniently name the place of meeting.)

File No. 6775/99.

The Mexican Chargé to the Acting Secretary of State.

[Extract.]

No. 38.]

EMBASSY OF MEXICO,
Washington, September 9, 1907.

HONORABLE SIR: Confirming the information I had the honor to bring to you in our interview to-day, beg to say that President Diaz has received, through the consul-general of Mexico at Tegucigalpa, a message from the President of the Republic of Honduras, in which he says that general peace in Central America mainly depends on Honduras succeeding in maintaining absolute neutrality, and that this is the indispensable measure without which war can not be averted; if, therefore, President Diaz and President Roosevelt do not succeed, without waiting until the peace conference meets, in obtaining an assurance that the neighboring governments will not covertly support an invasion of Honduras, and in securing an effective guaranty of the neutrality of Honduras, the President of that Republic entertains no hope in the present situation. President Dávila ends his telegram by saying that he has received confirmation of the report, which is absolutely true, that ex-President Bonilla is in Guatemala at the disposition of President Estrada Cabrera, of that Republic, ready to start an immediate invasion of Honduras, which President Diaz alone could avert.

The consul-general of Mexico at Tegucigalpa adds in his message that the foregoing hardly affords an idea of the actual conditions and that there will shortly be a disturbance of the peace in Central America unless the governments of Mexico and of the United States can prevent it.

In compliance with instructions received from my government, I have the honor to communicate the foregoing to your excellency for the information of the most excellent President of the United States of America and at the same time present myself to inquire in the name of my government what, in his opinion, is the action to be taken.

I have pleasure, etc.,

JOSÉ F. GODOY.

File No. 6775/83.

President Roosevelt to the President of Mexico.

[Telegram.]

WASHINGTON, *September 17, 1907.*

I duly received your telegram of August 31, in regard to the suggestion made by the minister of Nicaragua in Mexico concerning the place of meeting of the proposed Central American conference. While my own preference has been, and still is, for holding the conference in Mexico, I cordially adopted your intimation that the views of the other Central American States on that point should be elicited,

and to that end caused the respective ministers in Washington to be informally sounded. It then developed that a most gratifying movement had originated among them on the suggestion of the minister of Costa Rica toward a meeting of the five ministers here, under authorization of their respective governments, to conclude a provisional protocol providing for a formal conference to assemble upon the concurrent invitation of the Presidents of Mexico and the United States; for the friendly assistance of representatives of the Presidents of Mexico and the United States at such conference; for the unanimous choice of its place and date of meeting; and for a solemn engagement on the part of the five Central American Republics to maintain a mutually pacific attitude pending such conference. This proposal has been most fortunately carried out by the signature of the projected protocol on the 17th instant, in the presence of the Chargé d'Affaires of Mexico and the Acting Secretary of State of the United States of America. Señor Godoy, who has been kept constantly informed of the movement, will have sent you the text of the protocol.

In view of this happy step, the way appears to be clear for you and me to address concurrently to the respective Central American executives the invitation we have had in view. I beg to submit to Your Excellency the following draft of a message which I am ready to send if you will do likewise, and I invite your suggestions as to its tenor and language:

I received in due course the gratifying response made by Your Excellency to my message of the 28th of August, in which I urged, concurrently with His Excellency the President of Mexico, the need of peaceable and harmonious relations between the five Central American Republics, and tendered my good offices toward bringing about the suggested peace conference among them.

I have been glad to see that the unqualified acceptance, by Your Excellency and by your Central American colleagues, of the friendly proposals made by the President of Mexico and by me, has been followed by a successful movement among the Central American representatives in Washington to open the way for such a conference by agreeing upon the place and date thereof and by concluding a mutual engagement that the good relations of the Central American States shall be maintained pending the meeting of the conference and its results.

Being made aware of the preliminary protocol signed by the duly authorized representatives of the five Central American States in Washington on the 17th instant, I now have the pleasure, concurrently with His Excellency the President of the United Mexican States, to invite Your Excellency—as I in like manner invite the Executives of the other four Central American Republics—to name a commissioner or commissioner to meet commissioners named by the other Republics of Central America, in formal conference, in the city of Washington, during the first fifteen days of November next, to discuss the steps to be taken and the measures to be adopted in order to adjust any differences which may exist among said Republics, or any of them, and for the purpose of concluding a treaty which shall determine their general relations.^a

THEODORE ROOSEVELT.

File No. 6775/116.

**CENTRAL AMERICAN PEACE PROTOCOL, SIGNED AT WASHINGTON
SEPTEMBER 17, 1907.**

[Translation.]

We, the representatives of the five Central American Republics, having met in the city of Washington at the instance of Their Excel-

^a Sent September 21, see page 648.

lencies the Presidents of the United States of America and of the United Mexican States in order to devise the means of preserving the good relations among said Republics and of bringing about permanent peace in those countries, and for the purpose of establishing bases conducive to the attainment of such ends, being duly authorized by our respective Governments, have agreed to the following:

ART. I. Following a formal invitation which, as is understood, is to be made simultaneously to each of the five Central American Republics by Their Excellencies the Presidents of the United States of America and of the United Mexican States, a conference of the plenipotentiaries to be appointed for the purpose by the Governments of the said Republics, viz, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, shall meet during the first fifteen days of November next in the city of Washington for the purpose of discussing the steps to be taken and the measures to be adopted in order to adjust any differences which may exist among said Republics, or any of them, and for the purpose of concluding a treaty which shall determine their general relations.

ART. II. Their Excellencies the Presidents of the Central American Republics shall invite Their Excellencies the Presidents of the United States of America and of the United Mexican States to appoint, if they deem proper, their respective representatives to lend their good and impartial offices in a purely friendly way toward the realization of the objects of the conference.

ART. III. Until the conference meets and accomplishes the lofty mission devolving upon it, the five Central American Republics, to wit, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua, agree to maintain peace and good relations among one another, and they respectively assume the obligation not to commit or allow to be committed any act which might disturb their mutual tranquillity. To this end they shall refrain from any armed demonstration on their respective frontiers and shall withdraw their naval forces to their territorial waters.

ART. IV. If any unforeseen question should unfortunately arise among any of the said Republics pending the meeting of the conference, and if it should be impossible to adjust it by the friendly means of diplomacy, it is mutually agreed that the parties concerned shall submit the difference to the good counsels of His Excellency the President of the United States of America or of the President of the United Mexican States, or of both Presidents jointly, according to circumstances and in conformity with the agreement to be concluded for the purpose.

Signed in Washington the seventeenth day of the month of September, one thousand nine hundred and seven.

J. B. CALVO.
LUIS TOLEDO HERRARTE.
LUIS F. COREA.
F. MEJIA.
ANGEL UGARTE.

File No. 6775/108b.

The Acting Secretary of State to Minister Lee.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 17, 1907.

(Mr. Adee informs Mr. Lee that the Central American peace protocol, which has been signed by the five ministers, provides for full conference at Washington early in November, and stipulates a peaceable attitude in the meantime. He adds that the Presidents of the United States and Mexico will extend formal invitation to each Central American State in a few days.)

File No. 6775/136.

The Secretary of the Preliminary Central American Conference to the Acting Secretary of State.

[Translation.]

WASHINGTON, D. C., *September 19, 1907.*

SIR: I have the honor to transcribe to your excellency the resolution adopted at the second session of the Preliminary Central American Conference held in this city, reading as follows:

Third. It was resolved by acclamation to extend to Their Excellencies the Presidents of the United States of America and of the United Mexican States the most earnest thanks for their praiseworthy and disinterested efforts in the cause of Central American peace, and to express due acknowledgment to His Excellency President Roosevelt for the good will he evidenced in accepting that the peace conference be held in Washington and to His Excellency President Diaz for the generous purposes he has deigned to evince in this same respect, and in so far as Mexico is concerned.

I beg, in the name of the representatives of Central America, that your excellency will acquaint His Excellency the President of the United States with the foregoing resolution and that you will accept the assurances of the most distinguished consideration with which I am, etc.,

ANGEL UGARTE.

File No. 6775/122-123.

The President of Mexico to President Roosevelt.

[Telegram.—Translation.]

MEXICO, *September 20, 1907.*

I have had the honor to receive Your Excellency's telegram dated the 14th instant in reply to mine of the 30th of August relative to the motion of the minister of Nicaragua and to the wish of the presidents of the other Central American Republics being consulted as to the place where the proposed conference should meet. I note, with genuine satisfaction, that, on the motion of the minister of Costa Rica it has been agreed to hold the said conference in Washington

during the first fifteen days of November next and that the five ministers of the said Republics, duly empowered, signed a preliminary agreement for the maintenance of peace by their Governments until the conference shall have taken effect. The draft of telegrams which Your Excellency graciously submits to my judgment appears to me to meet the case entirely and I will therefore send one substantially like it to-morrow to the five presidents of Central America, hoping that Your Excellency will be pleased to send yours on the same day.

PORFIRIO DIAZ.

File No. 6775/99.

The Acting Secretary of State to the Mexican Chargé.

No. 96.]

DEPARTMENT OF STATE,
Washington, September 20, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, in which you advise the department of the receipt by President Diaz of a message from the Provisional President of Honduras stating that general peace in Central America depended upon the preservation of the neutrality of Honduras, and that the neutrality of Honduras could only be preserved by the Governments of the United States and Mexico obtaining assurances from the Governments of the republics which are neighbors of Honduras that they would not covertly support an invasion of Honduras. You further ask the opinion of this Government on the question presented.

I have the honor to say in reply that at the date of the receipt of your note the Governments of the United States and Mexico had entered upon negotiations with a view to arranging a conference of the five Central American Republics, in order to devise means of preserving good relations among those Republics and of bringing about a permanent peace.

At this conference a protocol was, as you are aware, signed on the 17th instant, providing for a conference at this capital, during the first fifteen days of November next, of the plenipotentiaries of the five Central American Republics, for the discussion of the steps to be taken and the measures to be adopted in order to adjust any differences which might exist among those Republics, or any of them, and for the purpose of concluding a treaty which should determine their general relations.

By Article III of the protocol of September 17, 1907, it was stipulated that, pending the assembling of the conference, the five Republics agreed to maintain peace and good relations among one another and assumed the obligation not to commit or allow to be committed any act which might disturb their mutual tranquillity. They further stipulated that they would refrain from any armed demonstration on their respective frontiers, and that they would withdraw their naval forces to their territorial waters.

The fourth article provides for the submission of any question arising between any of the Central American States not susceptible of diplomatic treatment to the good counsels of the Presidents of the United States and Mexico.

It would seem, therefore, that under the terms of this protocol the contingency apprehended in your note may be appropriately dealt with should it arise.

Accept, etc.,

ALVEY A. ADEE.

File No. 6775/112.

President Roosevelt to the President of Guatemala.^a

[Telegram.]

WASHINGTON, *September 21, 1907.*

I received in due course the gratifying response made by Your Excellency to my message of the 28th of August, in which I urged, concurrently with His Excellency the President of Mexico, the need of peaceful and harmonious relations between the five Central American Republics, and tendered my good offices toward bringing about the suggested peace conference among them.

I have been glad to see that the unqualified acceptance, by Your Excellency and by your Central American colleagues of the friendly proposals made by the President of Mexico and by me, has been followed by a successful movement among the Central American representatives in Washington to open the way for such a conference by agreeing upon the place and date thereof and by concluding a mutual engagement that the good relations of the Central American States shall be maintained pending the meeting of the conference and its results.

Being made aware of the preliminary protocol signed by the duly authorized representatives of the five Central American States in Washington on the 17th instant, I now have the pleasure, concurrently with His Excellency the President of the United Mexican States, to invite Your Excellency—as I in like manner invite the Executives of the other four Central American Republics—to name a commissioner or commissioners to meet commissioners named by the other Republics of Central America, in formal conference, in the city of Washington, during the first fifteen days of November next, to discuss the steps to be taken and the measures to be adopted in order to adjust any differences which may exist among said republics, or any of them, and for the purpose of concluding a treaty which shall determine their general relations.

THEODORE ROOSEVELT.

File No. 6775/122-123.

President Roosevelt to the President of Mexico.

[Telegram.]

WASHINGTON, *September 23, 1907.*

Upon receipt of your telegram of the 20th, my proposed message was sent on the 21st to each of the five Central American Presidents. I share Your Excellency's satisfaction that the Central American

^a Mutatus mutandis to the Presidents of Nicaragua, Honduras, Salvador, and Costa Rica

situation has assumed so hopeful an attitude, and I trust our joint efforts may successfully conduce to lasting peace.

THEODORE ROOSEVELT.

File No. 6775/126.

The President of Nicaragua to President Roosevelt.

[Telegram.—Translation.]

MANAGUA, NICARAGUA, *September 22, 1907.*

I have had the honor to receive Your Excellency's courteous telegram by which you are pleased to inform me that the generous initiative of Your Excellency and of the President of Mexico in favor of a Central American Peace Congress has been favorably received by the other Presidents of Central America. No other outcome could be looked for in the presence of the noble spirit of humanity which prompted your fraternal and timely mediation. For the growing interest with which Your Excellency always looks after the welfare of our countries I renew my thanks to you, and it affords me gratification to assure you that the representatives who are to take part in the conference that will be held in Washington for the high purpose of establishing, on a solid and durable foundation, the peace so necessary to the advancement of our Republics, will be appointed in good time, and it affords me even much greater pleasure to say to Your Excellency that all the political well-being that will unquestionably be the outcome of those conferences will be mainly due to your spontaneous and efficient cooperation in the cause of their tranquillity and future.

PRESIDENT J. ZELAYA.

File No. 6775/129.

The President of Honduras to President Roosevelt.

[Telegram.—Translation.]

TEGUCIGALPA, HONDURAS, *September 22, 1907.*

I am glad to answer Your Excellency's courteous message of yesterday by saying that I appreciate, to their high value, the good offices of Your Excellency and the Most Excellent President of Mexico toward insuring the maintenance of peace in Central America, and that I accept with the greatest pleasure the invitation to the conference that is to meet in Washington in November next and to which I will immediately appoint the representatives of Honduras.

MIGUEL R. DÁVILA.

File No. 6775/130.

The President of Costa Rica to President Roosevelt.

[Telegram.—Translation.]

SAN JOSE, C. R.

(Received September 23, 1907.)

I have pleasure in referring to your courteous telegram of this date [21st] and in saying that my Government, consistent with the statement made to Your Excellency in my previous telegram, accepts

the invitation to the conference of Central American plenipotentiaries which, on the generous motion of Your Excellency and of the Most Excellent Señor Porfirio Diaz, President of the United Mexican States, will be held at Washington in the first fifteen days of November next. I shall, at the proper time, accredit the delegation of Costa Rica to the said conference. I renew to Your Excellency the assurances of my most distinguished consideration.

CLETO GONZALES VIQUEZ.

File No. 6775/131.

The President of Salvador to President Roosevelt.

[Telegram.—Translation.]

SAN SALVADOR (Received September 24, 1907).

I have received the courteous message of yesterday [21st] by which Your Excellency, in accord with the Most Excellent President of Mexico, is pleased to invite the Government of this Republic to the Central American conference that will meet in your capital during the first fifteen days of the coming month of November with the laudable purpose of discussing the steps and measures that should be taken to adjust the differences among those republics thereby insuring the good harmony and concord of our countries. The good and friendly offices of Your Excellency and the sincere desire by which I am animated in the cause of the welfare of our people prompt me to accept with pleasure and without any hesitancy whatever Your Excellency's honorable invitation. I have pleasure in availing myself of this opportunity to renew to Your Excellency the assurances of my high esteem and distinguished consideration.

FERNANDO FIGUEROA.

File No. 6775/132.

The President of Guatemala to President Roosevelt.

[Telegram.—Translation.]

GUATEMALA, *September 26, 1907.*

I have the honor to express to Your Excellency my full and sincere acknowledgment of the invitation you are pleased to address to me to send the delegation appertaining to Guatemala in the conference that is to be held in your capital among the representatives of the five Central American Republics, by virtue of the protocol signed by the duly empowered ministers of the said republics, to the noble end of insuring peace in the isthmus, a grand result for whose achievement Your Excellency deigns to put forth the good offices of a true friend with the cooperation of His Excellency the President of Mexico in whose name also comes the honorable invitation hereby answered by me. Guatemala will be very glad to take part in the Washington conference in November next and will, in good time, appoint its delegation to the said conference, always animated by the most genuine desire that peace, the rule and aim of its Government, shall ever be better secured in Central America and bear the desirable fruits of progress and welfare to which civilized and cultured nations must

aspire. Your Excellency will permit me to express to you my warm thanks for all you were pleased to do in the cause of ideals so worthy of applause and at the same time to congratulate you most effusively for your effective efforts in demonstrating your sincere friendship and also to congratulate Central America on its entering the open path that is to lead it to a durable and perfect peace. The way to this goal is already opened by the engagement to maintain good diplomatic relations until the meeting in Washington of the conference, in which measures will be considered by which such differences as may be existing would be adjusted and a treaty drafted by which their general relations would be determined as Your Excellency is pleased to put it in your esteemed message. And for the very reason that Guatemala devotes all her energies to the development of her programme of peace and progress, which blessings she equally wishes for her sisters with whom she has at present no differences whatever, she will always greet with joy any stipulation that would insure those inestimable blessings. Reiterating to Your Excellency my most earnest thanks I have the honor to tender once more to you my high consideration and most distinguished regards.

M. ESTRADA C.

File No. 6775/137.

The Minister for Foreign Affairs of Honduras to the Secretary of State.

[Telegram.—Translation.]

TEGUCIGALPA, *September 25, 1907.*

Complying most gladly with the provisions of the preliminary protocol, signed in your city on the 17th of this month by the representatives of the Central American Republics, I have the honor to extend to the Government of your excellency the invitation that it deign to lend its highly valuable cooperation toward the better success of the peace arrangements by being represented in the conference that is to meet in November next in accordance with the agreement reached by the aforesaid representatives.

E. C. FIALLOS.

File No. 6775/133.

The President of Salvador to President Roosevelt.

[Telegram.—Translation.]

SAN SALVADOR, *September 26, 1907.*

I view of the many evidences of friendly solicitude for the peace of our Republics manifested by Your Excellency's Government and of the agreement reached in the preliminary protocol, signed in your city the 20th instant, my Government would be most highly gratified if Your Excellency saw fit to have your enlightened Government appoint representatives who would bring the cooperation of their good offices to the accomplishment of the aims for which the peace conference has been called.

FERNANDO FIGUEROA.

File No. 6775/134.

The President of Honduras to President Roosevelt.

[Telegram.—Translation.]

TEGUCIGALPA, HONDURAS, *September 26, 1907.*

November next having been agreed on as the time for the meeting in your city of the Central American Peace Conference, I respectfully ask that Your Excellency, continuing your friendly offices, will consent to appointing a representative who would take part in the said conference. Confident of your gracious assent, I tender to you in advance my heartfelt thanks.

MIGUEL R. DÁVILA.

File No. 6775/121.

*The Acting Secretary of State to the Secretary of the Preliminary Central American Conference.*DEPARTMENT OF STATE,
Washington, September 28, 1907.

SIR: I have the honor to acknowledge the receipt of your letter of the 19th instant, quoting a resolution adopted by the preliminary Central American conference, extending the thanks of the conference to the President and to the President of Mexico for their praiseworthy and disinterested efforts in the cause of Central American peace.

In reply I have the honor to inform you that it has given the department pleasure to send a copy of your letter to the President.

Accept, etc.,

ALVEY A. ADEE.

File No. 6775/137.

The Acting Secretary of State to the Minister for Foreign Affairs of Honduras.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 2, 1907.

Your cordial message^a is highly appreciated. The attendance of a representative of the President of the United States concurrently with one named by the President of Mexico will be most agreeable to this Government.

ROBERT BACON.

^a September 25, page 651.

File No. 6775/140a.

The Acting Secretary of State to the Costa Rican Minister.^a

DEPARTMENT OF STATE,
Washington, October 2, 1907.

SIR: The recent concurrent invitation of the Presidents of Mexico and the United States, addressed to the Presidents of the five Central American Republics, to participate in a conference, in the city of Washington, during the first fifteen days of November proximo, for the purpose of adjusting whatever differences may exist or arise among them and defining their general relations, having been accepted by the respective executives, it now appears timely to reach an agreement upon the place of meeting.

I have the honor to inform you that the President of the United States, in full accord with the Mexican Executive, proposes that the conference be held in the Bureau of American Republics. It seems eminently fitting that this should serve as its meeting place, inasmuch as it is common neutral ground, in the use and enjoyment of which the five Republics share equally with Mexico and the United States.

I am advised by the director of the bureau that ample quarters are available therein for the accommodation of the conference, and that every effort will be made to assure the comfort and convenience of the conferees.

Accept, etc.,

ROBERT BACON.

File No. 6775/142.

The Salvadorean Minister to the Acting Secretary of State.

LEGATION OF SALVADOR,
Washington, October 4, 1907.

SIR: I have the honor to acknowledge the receipt of your favor of the 2d instant, in which you inform me that the President of the United States, in full accord with the Mexican Executive, proposes that the conference be held in the Bureau of American Republics, and that you are advised by the director of the bureau that ample quarters are available therein for the accommodation of the conference, and that every effort will be made to assure the comfort and convenience of the conferees.

In the name of my Government, as well as in my own, I wish to express the most sincere thanks for the hospitality and courtesy extended to us.

With the renewed assurances, etc.,

F. MEJIA.

^a Mutatis mutandis to the Salvadorean minister, Guatemalan minister, Nicaraguan minister, and Honduran minister.

File No. 6775/144.

The Nicaraguan Minister to the Secretary of State.

[Translation.]

LEGATION OF NICARAGUA,
Washington, October 5, 1907.

MR. SECRETARY: I have the honor to inform the department in your excellency's most worthy charge that in accordance with the agreement contained in the protocol signed in this city on the 17th of September last, and according to a cablegram received at this legation from the ministry of foreign relations at Managua, Dr. Don José Madriz and the undersigned have been appointed delegates for Nicaragua to the forthcoming Central American Peace Conference that is to meet in this capital.

I communicate the foregoing to your excellency for your information and avail myself, etc.,

LUIS F. COREA.

File No. 6775/149.

The President of Guatemala to President Roosevelt.

[Telegram.—Translation.]

GUATEMALA (*Received October 9, 1908.*)

Once more placed under obligation by Your Excellency's laudable efforts in the cause of peace in Central America, I find in the protocol of the forthcoming conference the realization of Your Excellency's generous plan to insure perfect tranquillity in the countries of the Isthmus and the auspicious forerunner of the legitimate results that can not fail to be obtained, and as article two of the said protocol provides that Your Excellency will be represented in the conference that is to meet at the capital of Washington in the first fifteen days of the coming month of November, I have pleasure in inviting Your Excellency to be pleased, if you see fit, to appoint your representatives in order that they may, in the capacity stated in the said protocol, extend their impartial good offices toward achieving the purposes of the said conference. Most sincerely thanking Your Excellency in advance for the acceptance which I have no doubt you will deign to vouchsafe to this invitation, I renew to you the assurance of my most distinguished and high consideration.

M. ESTRADA C.

File No. 6775/149.

President Roosevelt to the President of Guatemala.

[Telegram.]

WASHINGTON, *October 10, 1907.*

I highly appreciate your cordial message and hope for beneficial results from the approaching conference, at which a representative of the United States will attend conformably with the protocol and the request of the five Republics.

THEODORE ROOSEVELT.

File No. 6775/152.

The President of Nicaragua to President Roosevelt.

[Telegram.—Translation.]

MANAGUA, NICARAGUA, *October 11/12, 1907.*

It affords me high gratification to address Your Excellency with a cordial invitation that you deign to be represented in the Central American Peace Conference, which is to take place at Washington in the month of November next, to the end that Your Excellency cooperate, in a friendly capacity, toward achieving the noble purpose you have in view. Aware of the interest Your Excellency has ever evinced in the peace and tranquillity of the Republics of Central America, I have no doubt you will gladly accept this invitation and take pleasure in renewing to you the assurance of my invariable friendship.

J. S. ZELAYA.

File No. 6775/153.

The President of Costa Rica to President Roosevelt.

[Telegram.—Translation.]

SAN JOSÉ, COSTA RICA, *October 12, 1907.*

The governments of Central America having agreed to hold on the 15th of November next at Washington the conference generously initiated by Your Excellency and the Most Excellent President Diaz, which, it is rightfully hoped, will restore the good understanding unfortunately broken at present among some of them, I believe that nothing would contribute so much to the achievement of its patriotic and humane purposes as the presence of delegates of the mediators whose friendly and impartial offices would, without a doubt, be of great value in the discussion. I therefore take great pleasure in inviting Your Excellency to be pleased, if you see fit, to be represented in the said conference. I am addressing the Most Excellent President Diaz in the same sense. I avail myself of this opportunity to tender to Your Excellency the assurance of my distinguished consideration.

CLETO GONZALES VISQUEZ.

File No. 6775/152.

President Roosevelt to the President of Nicaragua.

[Telegram.]

WASHINGTON, *October 14, 1907.*

I highly appreciate your cordial message and hope for beneficial results from the approaching conference, at which a representative of the United States will attend conformably with the protocol and the request of the five Republics.

THEODORE ROOSEVELT.

File No. 6775/153.

President Roosevelt to the President of Costa Rica.

[Telegram.]

WASHINGTON, *October 15, 1907.*

I highly appreciate your cordial message and hope for beneficial results from the approaching conference, at which a representative of the United States will attend conformably with the protocol and the request of the five Republics.

THEODORE ROOSEVELT.

File No. 6775/154.

The Costa Rican Minister to the Secretary of State.

LEGATION OF COSTA RICA,
Washington, *October 15, 1907.*

SIR: Referring to your note of the 2d instant, relative to the kind invitation of the Presidents of the United States and Mexico addressed to the Presidents of the five Central American Republics to participate in a conference in the city of Washington during the first fifteen days of November proximo for the purpose of adjusting whatever differences may exist or arise among them and defining their general relations, which has been accepted by the respective Executives, and in regard to the place of meeting I have the honor to say that the selection of the Bureau of the American Republics is a most agreeable one to this legation.

Again thanking you for the interest shown in the welfare of the States of Central America, I have the honor to inform you that Costa Rica will be represented at said conference by Señor Don Luis Anderson, the minister of foreign relations, and by the undersigned, minister of Costa Rica at Washington.

Be pleased, etc.,

J. B. CALVO.

File No. 6775/154.

The Acting Secretary of State to the Costa Rican Minister.

No. 71.]

DEPARTMENT OF STATE,
Washington, *October 19, 1907.*

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, informing the department that the selection of the Bureau of the American Republics as the place for the conference to adjust whatever differences may exist or arise among the five Central American Republics, and to define their general relations, is most agreeable to your Government.

You also state that yourself and Señor Don Luis Anderson, minister of foreign relations of Costa Rica, will represent Costa Rica at the conference.

Accept, etc.,

ROBERT BACON.

File No. 6775/154.

The Secretary of State to the Mexican Chargé.

No. 112.]

DEPARTMENT OF STATE,
Washington, October 22, 1907.

SIR: The Governments of Honduras, Salvador, Guatemala, and Costa Rica have notified this Government of their assent to the selection of the Bureau of the American Republics as the place of meeting of the peace conference of the Central American Republics.

The minister of Nicaragua has not yet informed the department of the desire of his Government in the matter; but as soon as he does, the department will have pleasure in advising you thereof.

Accept, etc.,

ELIHU ROOT.

File No. 6775/190.

The Mexican Chargé to the Secretary of State.

[Translat.on.]

No. 66.]

EMBASSY OF MEXICO,
Washington, November 5, 1907.

MOST EXCELLENT SIR: As the Central American Peace Conference proposed by the Most Excellent Presidents of the United Mexican States and of the United States of America is to meet in this capital at an early date and is to be attended, in such manner and on such terms as may be agreed upon, by representatives of the Governments of Mexico and of the United States, the President of the United Mexican States has decided that there shall be no one especially designated to represent the Government of Mexico either in the conference or the preliminaries thereto, but that this character will be assumed by the person in charge of this embassy, be it the ambassador or the undersigned in the capacity of chargé d'affaires ad interim.

I have the honor, by special direction of my Government, to bring the foregoing to your knowledge.

This affords me the opportunity, etc.,

JOSÉ F. GODOY.

File No. 6775/206.

The President of Salvador to President Roosevelt.

[Telegram.]

SAN SALVADOR (*Received November 8, 1907*).

I have the satisfaction of informing Your Excellency that, having held a conference on the 6th instant at the port of Amapala with the Most Excellent Presidents of Honduras and Nicaragua, we came to the most cordial understanding, in consequence whereof all pending questions are settled and the most frank and true friendship is restored. In advising Your Excellency of an event so worthy of applause I renew to you the expressions of my high regard.

F. FIGUEROA.

File No. 6775/190.

The Secretary of State to the Mexican Chargé.

No. 125.]

DEPARTMENT OF STATE,
Washington, November 9, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 5th instant by which you inform me that the person in charge of the embassy at the time, whether it be the ambassador or yourself in the capacity of chargé d'affaires ad interim, will represent the Government of Mexico in the conference which will meet at Washington this month pursuant to the protocol of September 17, 1907.

In turn I have the honor to inform you that upon the invitation of the Presidents of the five Central American States and conformably with Article II of the said protocol, the President has appointed Mr. William I. Buchanan as his representative at the conference.

Accept, etc.,

ELIHU ROOT.

File No. 6775/190.

The Secretary of State to the Costa Rican Minister.^a

No. 72.]

DEPARTMENT OF STATE,
Washington, November 9, 1907.

SIR: I have the honor to inform you that the Presidents of the five Central American Republics having invited representation by the United States in the conference which, pursuant to the protocol of September 17, 1907, will meet at Washington this month, the President of the United States has, conformably with Article II of the said protocol, appointed Mr. William I. Buchanan as his representative at the conference to lend his good and impartial offices in a purely friendly way toward the realization of the objects of the conference.

Accept, Mr. Minister, etc.,

ELIHU ROOT.

File No. 6775/206.

President Roosevelt to the President of Salvador.

[Telegram.]

WASHINGTON, *November 11, 1907.*

I have received with much gratification Your Excellency's telegram of the 8th informing me of the happy outcome of the conference held by you with the Presidents of Honduras and Nicaragua, in adjusting all pending questions between your respective countries in a frank and friendly way. I trust this fortunate accord may be the prelude

^a Mutatis mutandis to the Guatemalan minister, No. 12; Honduran minister, No. 5; and Salvadoran minister, No. 5.

to a cordial agreement between the five Central American Republics in the conference about to be held in Washington, by which future misunderstandings may be averted and the welfare and peace of the several republics be permanently assured.

THEODORE ROOSEVELT.

File No. 6775/208a.

The Secretary of State to the Mexican Ambassador.^a

DEPARTMENT OF STATE,
Washington, November 11, 1907.

EXCELLENCY: The plenipotentiaries of the five Central American Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, appointed by their respective Governments in pursuance of the protocol signed in Washington on the 17th day of September, 1907, having arrived in the city of Washington for the purposes of the conference contemplated in the said protocol, I have the honor to request that the said plenipotentiaries, together with the representatives of the United Mexican States and of the United States of America, appointed pursuant to the second article of the said protocol, convene in the building of the Bureau of American Republics, in the city of Washington, on the 14th day of November instant, at half past 2 o'clock in the afternoon.

Accept, excellency, etc.,

ELIHU ROOT.

File No. 6775/219.

The Nicaraguan Delegates to the Secretary of State.

LEGATION OF NICARAGUA,
Washington, November 12, 1907.

EXCELLENCY: We have the honor to acknowledge the receipt of your excellency's communication of the 11th instant, in which it is stated that the plenipotentiaries of the five Central American Republics—appointed by their respective Governments in pursuance of the protocol signed in this city on September 17 last—having arrived in this capital, they should convene in the building of the Bureau of the American Republics, in the city of Washington, on the 14th instant, at half past 2 o'clock in the afternoon, together with the representatives of the United States of America and of the United Mexican States, appointed pursuant to the second article of said protocol.

In reply we beg to state that in conformity with your excellency's suggestion we will be pleased to proceed accordingly.

We avail ourselves, etc.,

JOSÉ MADRIZ.
LUIS F. COREA.

^a Mutatis mutandis to the Nicaraguan delegates, Salvadorean delegates, Honduran delegates, Guatemalan delegates, Costa Rican delegates, the Mexican minister, and William I. Buchanan.

File No. 6775/213.

The Salvadorean Delegates to the Secretary of State.

LEGATION OF SALVADOR,
Washington, November 12, 1907.

EXCELLENCY: We have the honor to acknowledge the receipt of your letter of the 11th instant, in which you inform us that the plenipotentiaries of the five Central American Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, appointed by their respective Governments in pursuance of the protocol signed in Washington on the 17th day of September, 1907, having arrived in the city of Washington for the purposes of the conference contemplated in the said protocol, and you have the honor to request that the said plenipotentiaries, together with the representatives of the United Mexican States and of the United States of America, appointed pursuant to the second article of the said protocol, convene in the building of the Bureau of American Republics, in the city of Washington, on the 14th day of November instant, at half past 2 o'clock in the afternoon.

In reply, we have the pleasure to inform you that, in accordance with the above note, we will attend the meeting.

Accept, Mr. Secretary, etc.,

F. MEJIA.
 SALVO GALLEGOS.
 SALVADOR RODRIGUEZ.

File No. 6775/222.

The President of Honduras to President Roosevelt.

[Telegram.]

TEGUCIGALPA, HONDURAS,
November 12, 1907.

On my return to this capital I have the honor to inform Your Excellency that on the 6th of this month, at the initiative of the Presidents of Salvador and Nicaragua, there was held at Amapala a conference with the President of Honduras for the purpose of discussing peace in Central America. It was agreed to consider all differences among the three Governments represented at an end. I believe this will contribute to the success of the forthcoming conference of Washington and to the holding of a Central American peace conference at Amapala with Guatemala and Costa Rica at the close of the Washington conference. I hope that Your Excellency's Government, as a true friend of our Republics, will view with pleasure this brotherly adjustment of the differences between Salvador and Nicaragua.

MIGUEL R. DÁVILA.

File No. 6775/229.

The Nicaraguan Minister to the Secretary of State.

[Translation.]

LEGATION OF NICARAGUA,
Washington, November 13, 1907.

MR. SECRETARY: I have the honor to inform your excellency that on the 6th instant there was held at the port of Amapala a meeting of the most excellent Presidents Zelaya, Figueroa, and Dávila, of Nica-

ragua, Salvador, and Honduras, respectively, for the purpose of effecting a full settlement of the difficulties pending between Nicaragua and Salvador, which might, if still existing, hinder in some way the success of the conference that will be held in this city under the generous auspices of your excellency's Government, in accordance with the proposals and invitations of the most excellency Presidents Roosevelt and Diaz, and with the protocol of September 17 last, signed by the Central American plenipotentiaries.

I further have the honor to confirm the intelligence, already made public, of the signing at that meeting of an agreement in which the above-named Presidents Zelaya, Figueroa, and Dávila have come to a perfect understanding, and express provisions are made for the adjustment of all differences between the countries governed by them and the calling of a Central American Congress, following the Washington conference, if so agreed to through the adhesion of Guatemala and Costa Rica to the above-mentioned agreement in so far as it relates to the said call.

Confident that your excellency will find that the purposes of my Government and of the Government of Salvador and Honduras, which, by establishing perfect harmony among them, will more effectively facilitate the labors of our Peace Conference, are worthy of praise, I have pleasure, etc.,

LUIS F. COREA.

File No. 6775/224.

The Minister for Foreign Affairs of Guatemala to the Guatemalan Minister.^a

[Telegram.—Translation.]

NOVEMBER 14, 1907.

MINISTER OF GUATEMALA, *Washington:*

For your information and communication to Secretary of State I transmit hereunder my answer to Nicaragua and Honduras regarding Amapala conference.

I am informed, through your telegram received to-day, regarding interview and agreement made between their excellencies the Presidents of Nicaragua, Honduras, and Salvador, in which it was resolved to instruct their respective delegations at Washington, after forgetting past differences and holding peace congress in Amapala, to conclude among the five Republics treaty of amity and commerce. It was also agreed to send fraternal invitation to Presidents of Guatemala and Costa Rica for their adherence to said agreement. I have the honor to inform your excellency, in the name of my Government, that rejoicing as we always do in all acts which may tend to good and cordial Central American harmony, Guatemala before replying expects to know results of the conference agreed upon according to protocol signed in Washington, September 17, by virtue of the terms of which she has sent her delegation to Washington. Guatemala most earnestly desires that your excellency and Government may find this completely in accordance with the solemn obligations which the five Central American Governments have entered into in said protocol, and these obligations are the more valuable as they have been made through the friendly offices of such worthy Governments as those of the United States and Mexico. This is a particular circumstance which must always be taken into consideration in any resolution Guatemala may adopt, the more so as both conferences, as your excellency explains, tend to the same end.

BARRIOS.

^a Handed to the Secretary of State by the Guatemalan minister.

File No. 6775/222.

President Roosevelt to the President of Honduras.

[Telegram.]

WASHINGTON, November 16, 1907.

Acknowledging your gratifying telegram of the 13th, reporting the friendly conference at Amapala, at which it was agreed to consider all differences among the Governments of Honduras, Nicaragua, and Salvador at an end, I have the pleasure to assure you of the cordial appreciation of the Government and people of the United States of anything that may tend to the development of peaceable and mutually beneficial conditions in the neighboring Central American States.

THEODORE ROOSEVELT.

File No. 6775/236.

The President of Salvador to President Roosevelt.

[Telegram.]

SAN SALVADOR,

(Received November 19, 1907.)

I have the honor to inform Your Excellency that peace and tranquillity having been restored throughout the country, the constitutional path was entered this day, the state of siege raised, and absolute and unconditional amnesty granted to cover all political offenses.

F. FIGUEROA.

File No. 6775/236.

President Roosevelt to the President of Salvador.

[Telegram.]

WASHINGTON, November 23, 1907.

I acknowledge with much pleasure your telegram of the 19th communicating the gratifying intelligence that peace and tranquillity have been restored throughout your country.

THEODORE ROOSEVELT.

File No. 6775/243-244.

*The Costa Rican Minister to the Secretary of State.*LEGATION OF COSTA RICA,
Washington, November 25, 1907.

MY DEAR MR. SECRETARY: Believing that it might be of interest to you, I take pleasure in sending you, inclosed herein, a copy of the minutes of the meeting of the Presidents of Honduras, Nicaragua, and Salvador, at the port of Amapala, the 6th instant.

I am, my dear Mr. Secretary, very sincerely yours,

J. B. CALVO.

[Inclosure.—Translation.]

Minutes.

At the port of Amapala, on the 6th day of the month of November, 1907, the undersigned Presidents of the Republics of Honduras, Gen. Don Miguel R. Dávila; of Nicaragua, Gen. Don J. Santos Zelaya; and of Salvador, Gen. Don Fernando Figueroa, having met for the purpose of discussing general matters of Central American policy and especially the peace of these countries, actuated by the wish of bringing to an end the differences that have stood between them, and being desirous to establish a firm and lasting harmony among the three nations, have agreed upon the following preliminary bases: 1. All past differences, no matter what their nature may have been, shall be forgotten, and, in consequence, the fraternal relations of the three sister Republics here represented are declared in force, all the treaties and provisions for the maintenance of such friendship and good understanding among the said peoples being declared in full force. 2. It is agreed that the Governments signatory to this instrument will communicate the agreement reached at this conference to the delegates to the Washington conference, enjoining them to act in full accord and in compliance with the joint instructions that will be issued to them separately. 3. The rulers of Salvador, Nicaragua, and Honduras, firm in the conviction that the Central American family, like its interests and aspirations, is all one, agree to send a copy of the full agreement to the Presidents of Guatemala and Costa Rica, with an invitation to adhere to its clauses and an entreaty to join in the labor for the cause of the peace of those peoples so closely bound by their common origin and interests. 4. In order further to strengthen the whole covenant, it is agreed to hold a Central American peace congress consisting of a representative from each one of the Republics of Costa Rica, Nicaragua, Honduras, Salvador, and Guatemala, which shall take place at this port of Amapala immediately after the Washington conferences, or later, if it should be so decided, at which meeting there shall be also concluded new treaties of peace, amity, and commerce, which will condense and amplify the former treaties and thus unify the international law of Central America. In faith whereof we have signed these presents and affixed our seals thereto on the day aforementioned.

MIGUEL R. DÁVILA.
J. S. ZELAYA.
F. FIGUEROA.

File No. 6775/271.

The Minister for Foreign Affairs of Guatemala to the Secretary of State.

[Telegram.—Translation.]

GUATEMALA, *December 21, 1907.*

The labors of the conference having been happily crowned with success, it becomes the high duty of the people and Government of Guatemala to offer to your excellency's enlightened Government their most sincere acknowledgments and gratitude for so many and such effective services which it has lent to the cause of peace in Central America.

I renew to your excellency my high consideration.

JUAN BARRIOS.

File No. 6775/272.

The President of Nicaragua to President Roosevelt.

[Telegram.—Translation.]

MANAGUA, NICARAGUA, *December 22, 1907.*

I send Your Excellency earnest thanks for important participation you were pleased to take in pacific settlement of Central American differences happily brought to an end.

J. S. ZELAYA.

File No. 6775/271.

The Secretary of State to the Minister for Foreign Affairs of Guatemala.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 23, 1907.

I have the honor to acknowledge with grateful appreciation your excellency's dispatch of the 21st and to reciprocate congratulation to you and through you to the people and Government of Guatemala upon the high-minded and patriotic course followed by your Government and your most worthy representatives in the recent peace conference for the common good of Guatemala and of all the Central American Republics. It is a cause of great gratification to the Government of the United States that Washington should have been the theater of a conference which has resulted in such advanced and humanitarian agreements.

ELIHU ROOT.

File No. 6775/272.

President Roosevelt to the President of Nicaragua.

[Telegram.]

WASHINGTON, *December 23, 1907.*

I thank Your Excellency for your telegram. The Governments of Central America are to be congratulated upon the earnest labors of their delegations for peace. In the accomplishment of their important work, the Government of the United States was glad to extend sympathetic cooperation.

THEODORE ROOSEVELT.

File No. 6775/279.

*The Costa Rican Minister to the Secretary of State.*LEGATION OF COSTA RICA,
Washington, December 27, 1907.

SIR: Referring to your excellency's note No. 72, dated November 9 last, regarding the appointment of Mr. William I. Buchanan as the representative of the United States in the Central American

peace conference, in conformity with Article II of the protocol of September 17, 1907, and wishing to record the very great satisfaction with which the Government of Costa Rica has viewed the satisfactory results of the conference, I have the honor, as well as a great pleasure, in expressing to your excellency, the very highest appreciation of the Costa Rican delegation, of the eminent services lent to the five Republics of Central America by the able and distinguished diplomat, Mr. Buchanan, to whose exquisite tact and untiring perseverance is owed in so great a measure the success of the delicate and difficult labors of the conference.

On giving to His Excellency the President of the United States and to his Government, through your excellency's worthy medium, the most expressive thanks in the name of the Government of Costa Rica, for the interest shown in the welfare of the states of Central America, it is very pleasing to me to express in particular the gratitude which is owing to your excellency for the constant devotion to the high policy which your excellency has initiated and is furthering for the happiness and well being of all the Republics of the American continent.

Be pleased, etc.,

J. B. CALVO.

**REPORT OF THE CENTRAL AMERICAN PEACE CONFERENCE HELD
AT WASHINGTON, D. C., 1907.**

By Mr. William I. Buchanan,

Representing the United States of America.

SIR: I have the honor to submit the following report of the Central American Peace Conference held at Washington, D. C., November 13 to December 20, 1907, between delegates representing the five Central American Republics—Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador. In accordance with the provisions of Article II of the protocol convening the conference, signed at Washington, September 17, 1907, between the diplomatic representatives of the said Republics, Mexico and the United States were invited to participate in the conference in a friendly capacity. Mexico designated his excellency the Mexican ambassador at Washington as her representative, while I had the honor to participate as representative of the United States.

The conference grew out of the friendly initiative that was taken during last summer by Their Excellencies the Presidents of the United States and of Mexico, in an endeavor to secure an adjustment of the then pending disputes between several of these Republics in some form that would insure permanent peace among them and foster their development.

As a result of this step a preliminary conference between the diplomatic representatives of the five Republics was held at the Bureau of American Republics, Washington, D. C., on September 16 and 17, 1907. There were also present Hon. A. A. Adee, of the Department of State, and Señor Don Jose F. Godoy, Chargé d'Affaires of Mexico. At this conference the protocol convening the conference was agreed to and the time fixed for the first fifteen days of Novem-

ber. The text of this protocol—in English—will be found in the minutes which accompany this report as inclosure 1.

The conference was called together by the Secretary of State in the following note, dated November 11, 1907:

DEPARTMENT OF STATE,
Washington, November 11, 1907.

EXCELLENCIES: The plenipotentiaries of the five Central American Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, appointed by their respective Governments in pursuance of the protocol signed in Washington on the 17th day of September, 1907, having arrived in the city of Washington for the purposes of the conference contemplated in the said protocol, I have the honor to request that the said plenipotentiaries, together with the representatives of the United Mexican States and of the United States of America, appointed pursuant to the second article of said protocol, convene in the building of the Bureau of American Republics in the city of Washington, on the 14th day of November, instant, at half past 2 in the afternoon.

I avail myself of this opportunity to offer to your excellencies the assurances of my highest consideration.

ELIHU ROOT.

To their excellencies the—

Delegates to the Central American Peace Conference.

COSTA RICA.

Señor Dr. Don Luis Anderson, Minister for Foreign Affairs.
Señor Dr. Don J. B. Calvo, Envoy Extraordinary and Minister Plenipotentiary at Washington.

GUATEMALA.

Señor Dr. Don Antonio Batres Juaregui.
Señor Don Victor Sanchez Ocana.
Señor Don Luis Toledo Herrarte, Envoy Extraordinary and Minister Plenipotentiary at Washington.

HONDURAS.

Señor Dr. Don Policarpo Bonilla.
Señor Don E. Constantino Fiallos.
Señor Dr. Don Angel Ugarte, Envoy Extraordinary and Minister Plenipotentiary at Washington.

NICARAGUA.

Señor Dr. Don Jose Madriz.
Señor Don Luis F. Corea, Envoy Extraordinary and Minister Plenipotentiary at Washington.

EL SALVADOR.

Señor Dr. Don Salvador Gallegos.
Señor Don Salvador Rodriguez, G.
Señor Dr. Don Federico Mejia, Envoy Extraordinary and Minister Plenipotentiary at Washington.

To the representatives of—

MEXICO.

His Excellency Señor Don Enrique C. Creel, Ambassador at Washington.

UNITED STATES.

Hon. William I. Buchanan, Buffalo, N. Y.

The secretaries of the different delegations were as follows:

HONDURAS.

Señor Dr. Don Justo Gomez Osorio.
Señor Don Urbano Ugarte.
Señor Dr. Don Manuel Ugarte.

NICARAGUA.

Señor Ing. Don Nicolas Veloz.

EL SALVADOR.

Señor Don Salvador Galleagos (*h.*).

The conference was held at the Bureau of American Republics, the entire second floor of the bureau having been especially fitted and furnished for the purpose of the conference by the United States. Preliminary meetings of the delegates were held on the 12th and 13th

of November for the purpose of agreeing upon rules to govern the conference and upon its officers. Neither the Mexican representatives nor the undersigned were present during these sessions.

A copy of the rules agreed upon to govern the conference will be found herewith, as inclosure 2. It will be noted that they are based upon the rules adopted by the Third Pan-American Conference, held at Rio de Janeiro in 1906, exceptions being the clause which required all delegations to be present before a vote could be taken, and that by which unanimity was required in voting, without prejudice to the fact that if only three delegations voted affirmatively then the subject became obligatory for them and a recommendation to the two which had voted "No." The rules provided that the public should not be admitted to the sessions of the conferences.

The strained relations that had for many months existed between several of the Republics made the question of rules one of considerable delicacy, but the good spirit manifested by all the delegates, both at that time and throughout the conference, overcame these difficulties, and as the conference proceeded practically made rules almost unnecessary.

The minutes of the preliminary meetings of the delegates will be found herewith as inclosure 3.

The inaugural session of the conference was a public one, and was held at 2.30 p. m. on Thursday, November 14, in the conference rooms at the Bureau of American Republics.

There were present, in addition to the delegates, their secretaries; the representative of Mexico and the representative of the United States; the Secretary of State, Hon. Elihu Root; the Assistant Secretary of State, Hon. Robert Bacon; the Third Assistant Secretary of State, Mr. Huntington Wilson; the secretary of the Mexican embassy, Señor Jose F. Godoy; the officials of the Bureau of American Republics, and the personnel of the Central American legations.

The conference was called to order by the Secretary of State, Hon. Elihu Root, who in an address to the delegates urged them to bring about lasting and durable peace between their several countries, and to make such sure provision for this for the future that a return of the unfortunate conditions that had existed between and among them would be impossible. The Secretary's remarks created an excellent impression among the delegates and were many times thereafter recalled and quoted by them in the discussions that took place.

The Secretary of State was followed by his excellency, the Mexican ambassador, who in an eloquent address assured the delegates of the cordial and deep interest felt by the Mexican Government in the work before the conference.

The credentials of the delegates were then examined by a special committee, after which the conference proceeded to elect his excellency Señor Dr. Don Luis Anderson, of Costa Rica, president of the conference, and Señor Dr. Don Jose Madriz, of Nicaragua, and Señor Dr. Don Salvador Rodriguez, of San Salvador, secretaries of the conference.

The conference then unanimously elected honorary presidents of the conference their excellencies Hon. Elihu Root, Secretary of State of the United States, and Licenciado Don Ignacio Mariscal, minister for foreign affairs of Mexico.

The minutes of the inaugural session, together with a copy of the address delivered at the time by the Secretary of State, the Mexican ambassador, and by Mr. Anderson, will be found herewith as inclosure 4.

The first regular session of the conference was held on the following day—Friday, November 15—and with the exception of an adjournment taken on Thanksgiving Day as a mark of courtesy to the United States, informal or formal sessions were daily held thereafter.

The first session began with the reading of the first article of the diplomatic protocol signed at Washington, September 17, 1907, between the Republics represented in the conference; and

In view of the important bearing this article had on the results attained by the conference, I deem it well to insert here a translation of its text, as follows:

Upon receipt of the formal invitation, which, it is understood, will be simultaneously issued to each of the five Republics of Central America, by their Excellencies the Presidents of the United States of America and of the United Mexican States, a conference of the plenipotentiary representatives, which the Governments of the Republics referred to shall appoint for that purpose—that is to say, Costa Rica, Salvador, Guatemala, Honduras, and Nicaragua—will meet during the first fifteen days of November next, at the city of Washington, to discuss the steps to be taken and the measures to be adopted for the purpose of adjusting any differences which exist between the said Republics or between any of them, and for the purpose of concluding treaty which shall define their general relations.

It will be noted that two things were to be done by the conference and in the following order:

(a) Discuss the steps to be taken and the measures to be adopted for the purpose of adjusting any differences which exist between the said Republics or between any of them; and

(b) The concluding of a treaty which shall define their general relations.

The reading of this article brought before the conference the important matter of what claims or questions, if any, were then pending between the Republics as an outgrowth of the armed disturbances that had existed during many months between several of them. A pause followed the reading of the article, each delegation apparently waiting for some indication as to the course events were likely to take. The pause was followed by a declaration made by the chairman of the delegation from Salvador that his country had no claim of any kind to present against either of the other four Republics. This declaration was at once followed, amid the applause of those present, by a similar one made by the chairman of the delegation from each of the remaining four Republics.

This action of the part of the Republics merits special notice, since it not only showed the excellent spirit which guided the delegates and pointed to wide possibilities for effective work open to the conference, but beyond this effectively closed the door against the presentation hereafter by either of the Republics of any claim growing out of their armed disturbances in 1907.

The first provision set out in the protocol having thus been disposed of, the conference adjourned until Monday, the 18th, in order that the different delegations might have time to prepare such projects of treaties and conventions as they might deem properly within the intent of the second provision of the protocol.

At the section session the president stated that the order of the day would be the presentation of projects covering the general relations of the five Republics, as provided by the last part of the first article of the September 17 protocol.

The Honduras delegation thereupon presented a project for a union of the five Republics. This at once gave rise to differences of opinion as to the scope of the conference, which at times seemed likely to affect its usefulness. Indeed, the divergent views brought out by the presentation of the Honduras project were not entirely dissipated until well on toward the closing session of the conference. Through the Honduras project the old and several times fruitlessly attempted plan to form a Central American union again became a live subject. It was strongly advocated by the Honduras delegation as being the true solution for the constantly recurring disputes that had held back the development of the Central American Republics. The Nicaragua delegation favored the Honduras plan. The delegation from Salvador inclined in that direction in principle, but the delegation from Guatemala opposed it. The Costa Rica delegation objected to the consideration of the matter, taking the ground that the project was entirely out of order under the terms of the protocol convening the conference.

As a result of the discussion that followed the introduction of the Honduras project as to whether or not the project was within the intent of the article of the protocol which referred to the "general relations of the Central American countries," the Guatemalan delegation submitted a motion that the conference should proceed to draw up the bases for a general treaty of peace, taking the San Jose treaty of September 25, 1906, as a guide.

In order to find a road out of the difficulty thus before the conference, both projects were sent to a special committee for their study and report. This committee consisted of a representative from each of the five delegations.

The committee submitted two reports at the next session of the conference. One report strongly favored the Honduras project. This was signed by the members of the committee representing Honduras and Nicaragua. The other report as strongly opposed that project and favored the course proposed by Guatemala. This was signed by the members of the committee representing Salvador, Costa Rica, and Guatemala.

The importance that was attached to the subject and its relation to the political future of the five Republics leads me to insert here a translation of both the Honduras and Guatemala projects, together with the two committee reports referred to above. They are as follows:

Memorandum submitted by the delegation from Honduras.

According to the protocol signed in Washington, September 17 last, between the plenipotentiaries of the five Central American Republics and the declaration made on the 15th of this month: ^a The object of this conference is reduced to the question of the manner through which a valid and lasting peace can be secured in these countries; their good relations conserved; and to the negotiation of a treaty that will set out their general relations.

^a This refers to the declaration made by the five Republics in the first session of the conference, that they had no claims to present against each other.

The delegates from Honduras expressing not only their own sentiments but those of their Government as well, and interpreting those of the great majority of the people of Honduras, find themselves of the belief that to reach the end thus had in view by the conference the sure and definite means to employ would be the union in the Federal Republic of the five nationalities represented here.

Every Central American agrees that the union is the absolute destiny of these countries and that some day it will be realized; opinions differ only with regard to the opportune moment to bring this about. This opportunity we see in the present conference, which appears to us to be the most propitious that has occurred in the course of our national lives.

The circumstances which have surrounded and now surround the plenipotentiaries now assembled here may be again present, but can not be improved in the future.

The friendly intervention of the United States and Mexico gives to the conference a powerful moral force, which has made itself felt within and without these Republics, carrying the conviction that something of lasting benefit must result from its work. Nothing would be so transcendent and advantageous as the reestablishment of our old federation—this time upon firm and immovable bases.

On the other hand, the fact that no claims or differences exist between the Central American Republics, as has been officially declared by the delegations, facilitates and prepares the way to accomplish so noble an aspiration.

The president of Nicaragua on his part has given an evidence of self-abnegation by his offer to retire from his office if this was necessary to bring about the union. He has thus indicated the road that can be taken to overcome obstacles such as that, should they be met with in an effort to carry out such a plausible matter. We, on our part, declare that the president of Honduras has been and is disposed to proceed in an identical manner—that is to say, to put to one side his personality in deference to the general interests of all.

The other Central American Governments, animated, as we suppose, by the same generous sentiments, would possibly not find it inconvenient to choose the same course; and, in the event they did not, their resolution would only delay the consolidation of the Republics, since at the end of their presidential terms those in power would have to deliver back to the people the power they had received from them.

Passing now to a practical form in which our thought may be expressed, we propose the following bases:

First. The respective congresses to ratify within three months the treaties signed at this conference, and to then convoke a constitutional convention which will frame the fundamental law of the Republic, and organize judicial powers for its execution without prejudice to the disposition relative to the election of the legislative and executive bodies in the future.

Second. The constitutional convention to come together within three months from the date it is called, and to convoke a regular congress in the form fixed by the constitution.

Third. The constitutional convention to provide among its acts that the debts of the respective countries shall be assumed by them.

Fourth. Until the Federal Republic is organized a supreme court will be established, with guaranties for its independence and impartiality, with power to resolve the differences which may arise between the States and other matters that may be set out in the corresponding treaty.^a

Fifth. The treaty will stipulate that a general amnesty shall be declared by each Republic to cover all those under arrest for political offenses or for those connected with such offenses.

In the preceding paragraphs we have indicated the criterion by which the Honduras delegation is guided in its wish to obtain a result satisfactory to the conference; we invite you to study these general bases which, if they merit your approval, we can develop in detail for submission to your enlightened consideration.

P. BONILLA.
E. C. FIALLOS.
ANGÉL UGARTE.

WASHINGTON, November 18, 1907.

^a Reference is intended to the treaty contemplated to be signed should the proposed Honduras plan be adopted by the conference.

*Memorandum submitted by the delegation from Guatemala.**To the Honorable Central American Conference of Peace:*

The delegation from Guatemala, in compliance with its promise made during the preceding session, has the honor to propose that for the purpose of the general treaty of peace, friendship, and commerce, the treaty signed at San Jose de Costa Rica on the 25th of September of last year between the plenipotentiaries of four of the Central American Republics shall serve as a basis, making such necessary alterations as may be required at this time and adding such stipulations as may be thought convenient concerning railways, custom-houses, fiscal systems, moneys, or any other subjects that may be helpful toward strengthening good relations between the Republics. The Hague project concerning an arbitral court—its most perfect work—should be kept in view.

Will the honorable conference be good enough to accept the respectful homage of this delegation.

ANTONIO BATRES JUAREGUL.
LUIS TOLEDO HERRARTE.
VICTOR SANCHES, O.

WASHINGTON, November 18, 1907.

*Report made by the members of the committee favoring the Honduras project.**To the Honorable Conference:*

We are members of the committee charged with the study of and to report on the projects presented by the delegations of Honduras and Guatemala. The first proposes the union of the five Republics represented in the conference in one nation, organized as a federation as the best means to insure the peace of Central America on a stable base of justice and liberty. The second proposes the celebration of a treaty of friendship and peace modeled after the treaty of San Jose of September 25, 1906, with such modifications as may be thought necessary to insure good relations between the Central American States in the future. Having substantially differed from our honorable colleagues on the committee on an essential point, we have thought it convenient to formulate our views in a separate report, as follows:

When the committee met at 2 in the afternoon on the 18th instant, Señor Madriz indicated his belief that notwithstanding the difference and seeming opposition between the two projects, he found in the two a conciliatory form which he would propose to the committee. Given the transcendental character of the Honduras project, he thought it should not be put to one side, as the opinion of the majority appears to be, but on the contrary, he thought it should be accepted and put in treaty form, in order that it might be remitted for the vote of the different legislative assemblies. He added that a direct appeal in this manner to the wishes of the people, in order that they might decide the question, would not only be a proper homage to them but would also free the delegates personally and the conference from the grave responsibility they would assume if, by an error of appreciation as to the actual political conditions in Central America, they should put to one side an idea that met the sentiments of the majority of the people of Central America. Further, that this idea would not exclude the conclusion of a treaty of friendship and peace which would take the place of the fact of union in the event the latter was not approved by the majority of the States.

After a short debate, the session of the committee was suspended until the delegation from Salvador could receive special cable instructions that had been asked for by them.

Day before yesterday the undersigned were notified that the committee would continue its work, the next sitting to be yesterday at 9.20. Señor Gallegos, of San Salvador, who was found alone in his apartment, said to us: "That both he and Señores Batres Juaregui and Calvo regretted they were not in accord with the Honduras project, believing, as they did, that the actual circumstances made it inopportune at this time to advance with any thought of success the idea of a Central American union, and that in consequence they would be impelled to formulate a report substantially indorsing the Guatemala motion and against the Honduras report." Señor Gallegos proposed nevertheless to include our views in the same report, but we chose to make a separate report.

Referring now to the cardinal points in the case, we think:

First. That union will alone insure stable and efficient peace and order in Central America.

Second. That an existing and constant sentiment of unity and a consciousness of a common destiny are essential characteristics of our political life.

Third. That obstacles to union do not originate with the people nor are they insurmountable.

Fourth. That the conference should conclude a convention covering the project submitted by the Honduras delegation and leave the solution of the matter to the legislative assemblies of the Republics.

Fifth. That inasmuch as a convention providing for union might not be ratified by a sufficient number of the States, it would be advisable for the conference to conclude at the same time a treaty of friendship, peace, arbitration, etc., with the necessary provision for its development and application, as proposed by the Guatemala delegation, and that the question of what steps could be taken to guarantee the carrying out of this treaty should be discussed, so that the fate that had befallen many other Central American treaties might not overtake this one.

Sixth and lastly. That a committee be named charged with the work of submitting to the consideration of the conference within the shortest possible time projects for these suggested treaties.

P. BONILLA.
JOSÉ MADRIZ.

WASHINGTON, November 22, 1907.

Report of the members of the committee against the Honduras project.

To the Honorable Peace Conference:

The undersigned members of the committee named to report on the projects submitted by the Honduran delegate—Dr. Don Policarpo Bonilla—and by the Guatemala delegation, having in open session of the committee fully discussed them without unfortunately having been able to agree with their colleagues upon a common report, have the honor to submit separately their opinion, manifesting, in so far as the project submitted by Doctor Bonilla is concerned, that while they consider the political union of Central America as the greatest and noblest aspiration of patriotism, they equally think that the circumstances and conditions in which the Central American people find themselves at the moment are not propitious to decree national reconstruction, which, in order that it may be durable and solid, requires that their economic, moral, political, and material elements shall have been harmonized.

They do not think therefore that it is opportune to discuss in the present conference a project for the immediate establishment of a union, but solely those measures which will tend toward preparing in a stable manner for this union, strengthening their means of communication, establishing a coasting ship commerce, linking together the economic and social interests of the people of the Republics, unifying their customs and tax laws, and encouraging the frequent meeting of Central American conferences. The most prosperous development of the people of the Republics, and a definite union, both have their root in the uniform extension of their separate economic elements, which, creating great material interests, will certainly form an indissoluble link between the Republics. When the iron rail destroys distances that now practically separate the rich lands of the Republics, and develops their wealth through the exchange of their products, their people will, through this evolution, reach their aspirations and bridge their necessities.

To them we must confide the realization of the ideal of uniting the five sections of the old patria, without that precipitancy which might compromise its success. It is not wise to think of passing rapidly to a sincere and pacific union. The steps taken here toward making peace certain in Central America, toward guaranteeing security for capital and labor, toward improving their elements of production, their social interests, and their initiative in self-government, will contribute in no small part toward this end. The pedagogical institute to be created in Costa Rica will also contribute to this end as an element of fraternity and a propaganda of the principles of justice, of order, and of union, while the creation of the Central American Bureau, agreed upon at San José, will be of transcendental importance.

In the matter of adopting the treaty of San Jose as a basis for discussion, as proposed by the Guatemalan delegation, the undersigned think the plan should be adopted. They equally think that first of all a committee should be designated to formulate a project for an obligatory arbitration treaty upon bases that will establish a permanent court of international justice for Central America.

SALVADOR GALLEGOS.
ANTONIO BATRES JUAREGUI.
J. B. CALVO.

Considerable tension was manifested in the conference as these two reports were read, and a growing purpose on the part of some of the delegations to insist that no discussion of the subject-matter of the report should take place. The view held by these delegates was that quite aside from the question of the merit or demerit of the subject, the matter of a political union of the Republics was a question entirely foreign to the purpose for which the conference was called and one outside the powers of delegates to consider. Costa Rica strongly held this view. Noting in all this the appearance of an element of discord, the suggestion was made by the undersigned, supported by the Mexican representative, that the consideration of both reports be postponed, and that the conference proceed to prepare projects for several important conventions—outside the scope of either report—notably one covering an international court. This course was adopted. As the conference proceeded and evidences of its effectiveness began to appear in the drafts of treaties and conventions which embraced the general good of all, the question of union became less acute, and was disposed of to the satisfaction of all during one of the closing sessions by the inclusion in the minutes of the conference of a written statement of their views presented by Doctor Bonilla, Doctor Madriz, and Señor Fiallos. (See the minutes of the fifteenth session of the conference and inclosure 18 herewith.)

TREATIES AND CONVENTIONS.

At the fifth session of the conference, November 27, the preparation of the several treaties and conventions afterwards concluded between the Republics was begun. Their consideration thereafter occupied the entire attention of the delegates until the close of the conference on December 20, either in the formal sessions of the conference or in the many informal meetings of delegates which were held in order that the different points brought up in the tentative drafts for the treaty of peace and the convention creating the new court could be discussed and the committee having each in charge be enabled to keep its work in line with the wishes of the different delegations.

The different treaties and conventions concluded between the five Republics consist of the following:

- (1) A general treaty of peace and amity (see inclosure 5).
- (2) A convention additional to the general treaty of peace and amity (see inclosure 6).
- (3) A convention for the establishment of a Central American court of justice (see inclosure 7).
- (4) A protocol additional to the convention for the establishment of a Central American court of justice (see inclosure 8).
- (5) An extradition convention (see inclosure 9).

(6) A convention for the establishment of an International Central American Bureau (see inclosure 10).

(7) A convention for the establishment of a Central American pedagogical institute (see inclosure 11).

(8) A convention concerning future Central American Conferences (see inclosure 12).

(9) A convention concerning railway communications (see inclosure 13).

Of these the general treaty of peace and amity, and the convention creating the Central American international court of justice, represent the chief work of the conference, while the second of these represents an entirely new and important advance in international obligations, and is the realization, in the form of a convention, of the efforts that have been made in the past to find a judicial method by which the peaceful and right settlement of international disputes could be assured. The two undertakings are to a great measure interdependent, and were so intended. Indeed, this fact in many ways constitutes their strength.

Both the treaty of peace and the convention creating the court run for a similar term of ten years. When the new court begins its functions it seems difficult to see how compliance with the terms of both undertakings can be avoided. This appears especially true when the unusual obligation in Article XXVII of the convention creating the court is considered. This states "That on no ground nor in any case will they (the signatory Republics) consider the (present) convention as void." It is certain that the intent and purpose of the signatory Republics was to insist that in every possible event the court shall remain as a piece of international machinery that can be relied on to adjust disputes.

The following are briefly the chief features of the different treaties and conventions:

THE TREATY OF PEACE AND AMITY.

(a) Its absolutely obligatory character for a period of ten years. (Articles I and XIX.)

(b) The declaration (Article II) that any disposition or measure tending to alter the constitutional organization of either of the Republics shall be deemed a menace to the peace of all.

(c) The excellent and in many ways the treaty's most important clause (Article III), making the territory of Honduras neutral in conflicts that arise between the other four Republics, so long as Honduras remains neutral. It will be seen by a reference to the map of Central America that the position occupied by Honduras is such that if this neutrality of Honduran territory is carried out, war between the signatory Republics is practically made impossible.

(d) Article VI, by the terms of which all Central Americans are mutually recognized as citizens, a principle embodied in several of their constitutions.

(e) The recognition of the right of asylum on ships and the prohibition against taking anyone from such asylum except by due legal process and on an order from a competent judge.

(f) The provisions of Articles XVI and XVII, by which political refugees and disturbers are not to be allowed to reside near the frontier of either of the five Republics.

(g) The unusual obligations assumed in Articles I and II of the convention additional to the treaty, by which each Republic binds itself not to recognize in another a Government resulting from a coup d'état nor to intervene in favor of or against the existing government of another Republic in cases of disorder therein.

(h) The stipulation in Article III of the convention additional to the treaty, by which they agreed to use their efforts to secure constitutional reforms that will prohibit the election of a president for a second term.

FOLLOWING ARE THE CHIEF FEATURES OF THE CONVENTION CREATING A CENTRAL AMERICAN COURT OF JUSTICE.

(a) Three forms of jurisdiction: The first (Article I) embraces the obligatory submission to the court of all questions arising between them which can not be adjusted by the respective foreign offices of the contracting Republics. The second (Article II), the power to determine cases involving alleged violations of treaties or conventions where denial of justice is alleged by a citizen of one Republic against the Government of another. The third, the power to determine any question mutually submitted by two of the signatory Governments, or by one of them and one of its citizens or a citizen of another. The court (Article XXII) determines its competency and in considering a case (Article XXI) is to decide questions of fact by its own criterion and questions of law by the principles of international law.

(b) The court is to consist of five judges, to hold office for five years. The congress of each signatory Republic is to designate one judge and two alternates, who shall take their oath of office before the congress. With the exception of the judge appointed by the country in which the court is to be held, the judges receive an equal salary of \$8,000 per annum, to be paid by the treasurer of the court out of a common fund, toward which each Republic is to contribute \$10,000 yearly (Articles VI, VII, VIII). The court is to be located in Cartago, Costa Rica.

(c) The judges are prohibited from holding other office or engaging in other work. They must elect a president and vice-president from among their number at their first sitting. A judge is not barred from sitting in a case in which the government that appointed him is a party.

(d) A defendant country must submit its answer to the demanding country within sixty days. The court may, however, grant an extension of twenty days (Articles XIV, XV, XVI), and can grant reasonable delays in order that all facts and evidence may be submitted.

(e) The court must hand down its decision within thirty days from the date upon which the case has been finally submitted by both parties.

(f) The decision is final. It must be in writing and must be a majority decision. A dissenting opinion must be in writing and both must be signed by all the judges (Articles XV, XXIII, XXIV). Provision is made by calling in the alternate judges for cases in which the judges fail to agree.

(g) Interested parties may be represented before the court by counsel (Article XVII).

(*h*) The court may appoint special commissioners to carry out its orders or may apply directly to the executive of a Government or to a tribunal of justice, but in every case the court's orders must reach their destination through the ministry for foreign affairs of the country.

(*i*) The signatory Republics bind themselves to faithfully carry out the court's orders (Article XX).

(*j*) The most effective authority given the court is the provision made in Article XVIII. By the terms of this article the court can fix the statu quo in which both parties to a controversy submitted for its decision shall remain pending the consideration and decision of the case. This is intended to prevent the purchase of arms or military supplies or the moving or massing of troops by either of two contending States.

(*k*) The decisions of the court are to be communicated to each of the signatory Republics, which severally bind themselves to aid in every peaceful way to have the decisions of the court faithfully complied with in every respect (Article XXV).

(*l*) The stipulation in Article XXVII which provides that—
 “on no ground nor in any case will they (the signatory Republics) consider the present convention as void; and that therefore they will consider it as being always in force during the term of ten years.”
 Provision is made for the possible union of two or more of the Republics; in that event it is agreed that the court shall be suspended ipso facto and a conference at once called to adjust the court to the new order.

(*m*) Finding it impossible to fully agree upon a more extended scope of the court's jurisdiction than outlined under (*a*), above, an article was annexed by which a country approving this article would for itself agree to submit to the court internal disputes arising between its executive, legislative, and judicial branches.

This court, which marks such an advance in methods for the peaceful adjustment of international disputes, is an outgrowth of the efforts made by Secretary of State Root in his instructions to the delegates of the United States to the Second Peace Conference at The Hague toward endeavoring to secure a “world's international court of justice.”

THE EXTRADITION CONVENTION.

This differs but little from the extradition convention now in force between Mexico and the United States. Its terms, as regards the definition of crimes and the time within which extradition can take place, were carefully drawn, in order that they might conform to the existing penal legislation of the several Republics. While citizens need not be delivered, provision is made that if not delivered they shall be tried by the courts of their own country for the crime with which they are charged. Especial care was taken in drafting the convention to prevent the possibility of its use in political offenses.

CONVENTION FOR THE ESTABLISHMENT OF A CENTRAL AMERICAN BUREAU.

This convention is based on one of the conventions signed at San Jose de Costa Rica September 25, 1906, between Costa Rica, Salvador, Guatemala, and Honduras.

The purpose of the bureau is to encourage and develop the final union of the Central American Republics through general education, uniformity of civil laws, customs laws, monetary standards, and commerce.

The bureau is to be located in the city of Guatemala. It is to publish a regular bulletin and to be equipped with a clerical force sufficient to enable it to carry out the above purpose. Its expenses are to be paid by the five Republics in equal parts.

THE CONVENTION CREATING A CENTRAL AMERICAN PEDAGOGICAL INSTITUTE.

This is also based on one of the San Jose de Costa Rica conventions of Séptember, 1906.

It creates a Central American normal school at San Jose, Costa Rica, the purpose being to bring about a common system of schools and education in Central America by the development and fitting of Central American teachers, both male and female, in this central school who will take charge of the schools of each of the five Republics.

The administration and control of the school is vested in the Costa Rican Government, the other governments having the right to designate a member of the executive committee which is to manage the school. Each of the Republics can maintain 100 students, 50 of each sex, in the school, and must maintain at least 20 of each sex.

The cost of the buildings and equipment and of the staff of teachers is to be paid in equal parts by the signatory Republics.

The duration of this convention is fixed at fifteen years.

The delegates to the conference looked upon this school as a work of the utmost importance, believing that the greatest good would come to Central America through the education in this manner of teachers who would hereafter direct the schools throughout the different Republics.

THE CONVENTION CONCERNING FUTURE CONFERENCES.

This convention, like the two preceding ones to which reference has been made, has for its object the preparation of the people of Central America for ultimate political union in some form.

It provides for the designation by each of the signatory countries of one or more commissioners to study the relations borne by the monetary systems of their respective countries to their foreign and internal commerce, and to carefully consider their customs, laws, and regulations, weights and measures, and other economic questions affecting the relations of the Republics toward each other, the object being to have these commissioners endeavor to agree upon uniform measures in each regard, so that these can be considered at a conference of plenipotentiaries to convene in Tegucigalpa on January 1, 1909, and thereafter yearly for five years, to consider all economic matters affecting the relations of the Republics toward each other and toward foreign countries.

THE CONVENTION ON COMMUNICATIONS.

This convention deals with the project for a Pan-American Railway. It stipulates that the signatory Governments shall designate commissions to study and report suitable measures that can be adopted in each country, so that the work of connecting the several Republics by railway may be carried out. These measures are to embrace recommendations as to subsidies of land, special privileges, and guaranties that might be given by each Republic to secure the building of railways that will unite Central America from south to north with Mexico and the United States. The interesting and valuable report of the committee which drew up the draft of this convention will be found herewith as Inclosure 13-a.

THE CLOSING DAYS OF THE CONFERENCE.

At the last session, held on December 16, the following motion, presented by the Nicaraguan delegation, was unanimously approved:

That the conference solicit an audience with His Excellency the President of the United States, in order that the conference in a body might thank him for the great services he had rendered in the interest of order in Central America and for the generous hospitality that had been extended the delegates.

That with the same object the delegates should call on the Secretary of State, Hon. Elihu Root.

That a special committee be named to visit the City of Mexico and in a similar manner express the thanks of the conference to His Excellency the President, Gen. Don Porfirio Diaz, and to his minister for foreign affairs, Señor Don Ignacio Mariscal.

Further, that there be included in the minutes of the closing session of the conference a vote of thanks on the part of the conference to his excellency the Mexican ambassador, Señor Don Enrique C. Creel, representing Mexico in the conference, and to Mr. William I. Buchanan, representing the United States of America in the conference, for their efficient cooperation in the work of the conference.

In response to the above, the President informed the conference that he would be glad to receive the delegates on such day as might best suit their convenience. At the close of the final business session of the conference, which took place on the morning of December 20, the delegates in a body called on the President and on the Secretary of State to inform them that the work of the conference had been happily concluded and to express to each, in accordance with the resolution of the conference, the deep sense of obligation felt by the delegates for the aid and encouragement they had received through the interest and good will that had been shown by the President in their work and for the constant and more than helpful efforts that had been daily extended them by the Secretary of State.

The President in response to the words of the president of the conference assured the delegates of the satisfaction with which the Government of the United States had followed the excellent work done by the conference in the interest of the peace and development of Central America, and of his deep and cordial interest in the future of their several Republics and his confident belief that the results of the conference would be for the lasting and permanent good of each of the Republics.

In addressing the Secretary of State when received by him at the department, the delegates were most cordial in their references to

his efforts to bring about a successful termination of the work of the conference, and especially so in their allusions to the kindly and constant help that had been given by the Assistant Secretary, Hon. Robert Bacon, in the lengthy negotiations that preceded the conference.

At the last session the conference designated Dr. Don Policarpo Bonilla, of Honduras, and Dr. Jose Madriz, of Nicaragua, as the special committee of the conference to visit Mexico to express to President Porfirio Diaz and to the Mexican minister for foreign affairs the thanks and acknowledgments of the delegates for the assistance extended by the Mexican Government.

In this connection I desire to make especial mention of the excellent services rendered by his excellency the Mexican ambassador, Señor Don Enrique Creel, the representative of his Government in the conference. His sincere interest in the work, his tact and prudence, coupled with his genial personality, made him a dominant factor in bringing about much of the excellent work done by the conference.

RECOMMENDATION OF AMNESTY.

At its session on December 2 the conference unanimously adopted a motion presented by Doctor Ugarte of the Honduras delegation, at the close of an eloquent address (a translation of which will be found herewith as inclosure 14), that the conference simultaneously address each of the Central American Republics, urging them in keeping with the Central American spirit of concord represented by the conference then in session, to grant full amnesty for all political offenses and for common offenses connected with those of a political character.

This resolution was transmitted by the president of the conference by cable on December 20 to each of the Central American presidents in the following form:

The Central American Peace Conference on happily closing its work to-day, has unanimously agreed to recommend to the Governments of Central America that they concede full amnesty for all political offenses and for offenses connected with these.

In communicating to your excellency this generous appeal, we confide in your high sentiments in our hope that you will be good enough to thus crown our work with a measure that will be a token of reconciliation and fraternity and a worthy beginning of an era of concord for our Central American family.

To this cablegram the following cable replies were received:

FROM THE PRESIDENT OF NICARAGUA.

Pleased to hear of happy termination of Central American Peace Conference. In accordance with high sentiments that animate the honorable delegates, my Government has already granted amnesty for political offenses. I congratulate the honorable delegates.

J. S. ZELAYA.

FROM THE PRESIDENT OF SALVADOR.

Impressed with the pleasing appeal of the conference. I have the honor to advise you that with respect to Salvador, the Government has decreed amnesty since the latter part of November.

PRESIDENT FIGUEROA.

FROM THE PRESIDENT OF COSTA RICA.

I applaud the generous appeal of the conference. In Costa Rica amnesty is unnecessary, because no one is at present suffering on account of political offenses or others connected therewith, or otherwise it would be pleasing to me to comply with the request of the conference.

GONZALEZ VIQUEZ.

FROM THE PRESIDENT OF HONDURAS.

General amnesty decreed, according to conference's desire.

DAVILA.

THE FORMAL CLOSING SESSION.

The formal closing of the conference took place at 3 p. m., on December 20, all of the delegates being present, together with the representatives in the conference of the Mexican and the United States Governments and the secretaries of the different delegations.

The Secretary of State presided, as he had done at the opening session. The Assistant Secretary of State, Mr. Bacon; the Third Assistant Secretary of State, Mr. Wilson; the first and second secretaries of the Mexican embassy, Señores Godoy and Alvarez; the Director and Secretary of the Bureau of the American Republics, Mr. Barrett and Señor Yanes; and Mr. Wm. E. Curtis, a former director of the Bureau of the American Republics, were among those who witnessed the closing of the conference.

The address made by the president of the conference, Dr. Don Luis Anderson, the remarks made by the Mexican ambassador, and the address made by Secretary Root on declaring the conference closed will be found herewith as inclosures 15, 16, and 17, respectively.

CONCLUSION.

The delegates at the close of their work expressed themselves as most appreciative of the conveniences afforded them by the Department of State and the Bureau of the American Republics for the meetings of the conference and were especially complimentary of the services rendered the conference in the work of translation and in connection with the clerical force furnished delegates by Mr. W. T. S. Doyle, representing the Department of State.

In concluding this report I desire to express my deep thanks for the honor conferred by my designation as the representative of the United States in the conference.

WILLIAM I. BUCHANAN.

BUFFALO, N. Y., *March 20, 1908.*

HON. ELIHU ROOT, *Secretary of State,*
Washington, D. C.

[Inclosure 1.]

Minutes of the preliminary Central American Peace Conference, September, 1907.

[Translation.]

PRELIMINARY CONFERENCE.

First session.

At half past 4 in the afternoon of the 11th of September, 1907, the diplomatic representatives of the five Republics of Central America met in the city of Washington, that is to say: Don Joaquin B. Calvo for Costa Rica, Don Federico Mejia for Salvador, Dr. Luis Toledo Herrarte for Guatemala, Dr. Angél Ugarte for Honduras, and Dr. Luis Felipe Corea for Nicaragua, there being also present Mr. Alvey A. Adee, Acting Secretary of State of the United States of America, and Mr. Jose F. Godoy, chargé d'affaires of the United Mexican States. The session opened and was conducted as follows:

First. Secretary Adee, in a brief and able address, stated the object of the invitation extended to the representatives of Central America to enable them, under the hospitality of the Department of State, to discuss the question of the peace of those Republics, expressing the good will and the desire of the American Government of aiding as far as possible in the accomplishment of so beneficial a purpose.

Second. Minister Godoy, in the name of his Government, adhered entirely to the sentiments expressed by Mr. Adee.

Third. The nomination of officers was then considered, and Ministers Calvo and Ugarte were elected president and secretary, respectively.

Fourth. The president, Mr. Calvo, made a short exposition of the object of the preliminary conference, which is to discuss a protocol to fix the place, date, and general bases for a conference of Central American plenipotentiaries, who should consider the means for preserving peace and good relations between those Republics.

Fifth. Mr. Corea stated that he had not been empowered by his Government to discuss the points referred to, but that nevertheless he would remain at the meeting in his personal character and would ask instructions with a view to taking part officially in the future.

Sixth. Mr. Toledo Herrarte said that he had precise instructions in regard to the fixing of the date and place of the conference, but not for discussing or voting upon a protocol for that purpose. He added also that he would remain at the session and would ask the instructions which he lacked.

Seventh. Mr. Ugarte stated that he had full powers from his Government, and expressed the belief that the idea of the conference was accepted in whole by the Central American governments, since it was spoken of in the telegrams from the Presidents of the United States and Mexico, which were accepted unconditionally by those Republics, and that in discharging his mission he would meet the hopes and desires of his Government clearly defined in favor of peace. Messrs. Calvo and Mejia stated that they had full powers and instructions.

Eighth. The place for the conference was then voted upon, and, by the vote of Ministers Calvo, Mejia, Toledo Herrarte, and Ugarte, the city of Washington was selected.

Ninth. The date for the meeting of the conference being under discussion, it was settled by the same votes that it should open from the 1st to the 15th of November of the present year.

Tenth. After the general reading of the proposed protocol, which is inserted below, it was discussed in detail, and was approved by the ministers of Costa Rica, Salvador, and Honduras, in their official character, and in their personal character by the ministers of Guatemala and Nicaragua, pending the receipt of their respective instructions. The text of the protocol is as follows:

"We, the representatives of the five Republics of Central America, having met in the city of Washington on the initiative of Their Excellencies the Presidents of the United States of America and of the United Mexican States, to settle upon the means of preserving the good relations between the said Republics and of obtaining an enduring peace in those countries; and with the purpose

of fixing upon the bases for bringing to a realization these ends, being duly authorized by our respective Governments, have agreed to the following:

"ARTICLE I. Upon receipt of the formal invitation which, as is understood, will be issued simultaneously to each one of the five Republics of Central America, by Their Excellencies the Presidents of the United States of America and of the United Mexican States, a conference of the plenipotentiary representatives, which the Governments of the Republics referred to shall appoint for that purpose—that is to say, Costa Rica, Salvador, Guatemala, Honduras, and Nicaragua—will meet in the first fifteen days of November next, in the city of Washington, to discuss the steps to be taken and the measures to be adopted for the purpose of adjusting any differences which exist between the said Republics or between any of them, and for the purpose of concluding a treaty which shall define their general relations.

"ARTICLE II. Their Excellencies the Presidents of the Republics of Central America will invite Their Excellencies the Presidents of the United States of America and of the United Mexican States to appoint, if agreeable to them, their respective representatives who, in a purely friendly character, shall lend their good and impartial offices toward the realization of the purposes of the conference.

"ARTICLE III. While the conference is in session and discharging the high mission intrusted to it, the five Central American Republics—that is to say, Costa Rica, Salvador, Guatemala, Honduras, and Nicaragua—agree to maintain among themselves peace and good relations, and they assume, respectively, the obligation not to commit, nor to permit to be committed, any act that can disturb the mutual tranquillity. To such end, all display of arms on the respective frontiers shall cease and the maritime forces shall be withdrawn to their jurisdictional waters.

"ARTICLE IV. If, unfortunately, any unforeseen question should arise between any of the said Republics while the conference is in session, and if it can not be settled by amicable diplomatic course, it is mutually agreed that the interested parties shall submit the difference to the friendly advice of His Excellency the President of the United States of America, or of the United Mexican States, or of both Presidents conjointly, according to the case, and in conformity with the agreement to this effect which may be reached."

Eleventh. The session adjourned at 6 o'clock in the afternoon.

Signed at Washington on the 11th of September, 1907.

J. B. CALVO, *President.*

ANGEL UGARTÉ, *Secretary.*

F. MEJÍA.

LUIS TOLEDO HERRARTE.

LUIS F. COREA.

Second session.

The second session was opened in the city of Washington at 4 o'clock in the afternoon of the 16th of September, 1907, there being present, as in the previous session, the diplomatic representatives of the five Republics of Central America—Messrs. Calvo, Mejía, Toledo Herrarte, Ugarte, and Corea—and Mr. Adee, Acting Secretary of State of the United States, and Mr. Godoy, chargé d'affaires of the United Mexican States.

First. The minutes of the previous session were read and approved.

Second. The representatives of Guatemala and Nicaragua stated they had received from their Governments the necessary powers to sign the protocol inserted in the foregoing minutes, and, after the reading of this document, solemn signature was given to the seven copies which had been made for the representatives of Central America and Secretary Adee and Mr. Godoy, who, in the name of their respective Governments, attended the preliminary conference.

Third. It was agreed by acclamation to give to Their Excellencies the Presidents of the United States of America and of the United Mexican States the most sincere thanks for their laudable and disinterested efforts on behalf of the peace of Central America, giving due recognition to His Excellency President Roosevelt for the good will he has shown in consenting that the peace conference be held in Washington; and to His Excellency President Diaz for the generous offer of the same nature, and, as regards Mexico, which he has been pleased to make.

Fourth. It was agreed to preserve in a special book the minutes of the sessions of the preliminary conference which, signed by all the representatives of

Central America, should be presented to the delegates who, by designation of their respective Governments, shall constitute the forthcoming Central American Peace Conference.

Fifth. The work of the preliminary conference being terminated, the session adjourned at 6 o'clock in the afternoon.

Signed at Washington the 17th of September, 1907.

J. B. CALVO,
President.
ANGÉL UGARTE,
Secretary.

F. MEJÍA.
LUIS TOLEDO HERRARTE.
LUIS F. COREA.

[Inclosure 2.]

Central American peace conference.

RULES OF PROCEDURE.

ARTICLE I. The conference shall have for a basis in its deliberations and resolutions Article I of the protocol of September 17, 1907, signed in Washington by the ministers plenipotentiary of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador.

ARTICLE II. The Secretary of State of the United States of America, or the person he shall designate, shall open the first session of the conference.

The representatives of Their Excellencies the President of the United States of America and of the United Mexican States, appointed in accordance with Article II of the protocol, shall occupy places of honor in the conference.

ARTICLE III. There shall be a president and two secretaries of the conference, elected by a vote of absolute majority of the delegations.

The numerical order of the delegations shall be determined by lot for the purpose of establishing the precedence of their seating and the turn in which each shall fill the vacancy which may be in the presidency.

The delegation which has the right of filling the presidency at any session shall designate the delegate who shall discharge the duties of vice-president.

ARTICLE IV. The functions of the president are:

1. To direct the sessions of the conference and to bring up for discussion, in their turn, the matters included in the order of the day.
2. To see that each matter submitted to the conference is referred to a committee, unless it be agreed by a vote of majority to take it into immediate consideration.
3. To give the floor to delegates in the order in which they ask it.
4. To decide questions of order which arise in the discussions; provided, however, that if any delegation shall request it, the decision given shall be put to vote by the conference.
5. To call for a vote and to announce to the conference the result of the vote.
6. To acquaint the conference, through the secretaries, and at the conclusion of each session, with the subjects which are to come up in the next session; but the conference may make such changes as may seem proper, whether in respect to the hour of meeting or the order in which the pending questions are to be discussed.
7. To direct the secretary when the minutes have been approved, to give an account to the conference of the matters which have arisen since the previous session.
8. To take any necessary measures to maintain order and to have the rules strictly carried out.

ARTICLE V. The functions of the secretaries are:

1. To organize the office with the necessary employees.
2. To receive, distribute, and answer the official correspondence in accordance with the directions of the conference.
3. To keep, or cause to be kept, reports of the sessions, and to superintend their printing and distribution to the delegations.
4. To distribute to the committees the subjects upon which they are to make recommendations, and to put at the disposal of said committees everything necessary for the discharge of their work.

5. To draw up the order of the day, in accordance with the instructions of the president.

ARTICLE VI. The conference shall meet on the days and at the hours named by the president.

ARTICLE VII. For a quorum, it is necessary that all of the delegations shall be represented at the session by some of its members.

ARTICLE VIII. When the session is called to order, the minutes of the previous session shall be read by the secretary, unless the reading is dispensed with. Note shall be made of the remarks which any delegate may make regarding the minutes, and the conference shall then proceed to approve them.

ARTICLE IX. The order of the day being brought up by the president, the conference shall discuss it first generally, and those matters which are approved shall be then discussed in detail, the discussion including each of the articles of which the project is composed.

ARTICLE X. By a vote of four of the delegations, the conference may dispense with the usual procedure and take into immediate consideration any matter, discussing it generally or in detail.

ARTICLE XI. The amendments proposed to the proposals in debate shall be referred to a committee, when the conference so agrees, and shall be voted upon before the article or proposal whose text it is proposed to alter.

ARTICLE XII. The delegation of each Republic shall have one vote. The vote shall be taken by affirmative or negative sign, unless any delegate shall ask that it be by roll call or by ballot.

In the last case, each delegation shall deposit in a ballot box a paper containing the name of the State it represents and the vote it gives. The secretary shall read the ballots aloud and so count the votes.

ARTICLE XIII. The conference shall not vote upon any motion or proposition except when all of the delegations are represented at a session.

ARTICLE XIV. The resolutions of the conference shall be adopted unanimously, except in the instances provided for in these rules; provided, however, that those resolutions upon which three or more delegations are in accord shall be considered as obligatory upon them, and as a recommendation for the others.

ARTICLE XV. No delegation shall speak more than three times upon the same subject, nor more than twenty minutes each time. Any delegate, however, has the right to the floor for as much as five minutes, for a question of order, to reply to personal allusions, or to explain his vote, and the author of a project may speak once again, but not to exceed twenty minutes.

ARTICLE XVI. Any delegate may submit to the conference his opinion upon the matter or point under discussion, and request that it be included in the minutes of the session at which it is presented.

ARTICLE XVII. The deliberations of the conference shall be secret, and therefore access to the conference hall shall only be had by the secretaries of the delegation, the Director of the International Bureau of the American Republics, and the employees of the conference.

ARTICLE XVIII. The secretary, at the close of each session, shall draft a statement for the press, which shall contain a brief account of what has taken place in the session and the text of the resolutions adopted or definitely rejected. The delegates who desire to do so may furnish the secretaries with a brief résumé of their discourses, and in such case a statement furnished to the press shall refer to the résumé, and it shall be added thereto.

The secretary shall keep a book to preserve copies of the statements or extracts given to the press.

ARTICLE XIX. The recommendation of the committees, and the projects and antecedents to which they refer shall be printed in Spanish and English.

ARTICLE XX. The minutes approved by the conference shall be signed by the president and secretaries, and shall be printed in Spanish and English, double column pages, and in sufficient number for the use of the delegations. The original minutes and other documents of the conference shall be deposited in the archives of the International Bureau of American Republics.

ARTICLE XXI. At the next to the last session the written or printed copy of the minutes, in Spanish and English, shall be discussed and approved, and the paper shall include the resolutions and recommendations discussed in the conference and approved during the sessions. The original copy of the minutes shall be signed by all the delegations.

ARTICLE XXII. These rules of procedure may be amended by four votes.

[Inclosure 3.]

*Minutes of the Central American Peace Conference (preliminary sessions),
November, 1907.*

[Translation.]

PREPARATORY MEETINGS.

First preparatory session.

By virtue of the provisions of the protocol signed on the 17th of September, 1907, in the city of Washington, there gathered in the office of the International Bureau of American Republics, at 3.45 p. m. of the 12th of November, 1907, the delegates of Costa Rica, Dr. Luis Anderson and Don Joaquin B. Calvo; of Guatemala, Dr. Antonio Batres Jáuregui, Don Victor Sánchez Ocaña, and Dr. Luis Toledo Herrarte; of Honduras, Doctor Policarpo Bonilla, Don E. Constantino Fiallos, and Doctor Angél Ugarte; of Nicaragua, Dr. Luis Felipe Corea; and of Salvador, Dr. Salvador Gallegos, Dr. Salvador Rodriguez G., and Don Federico Mejía, proceeding in the following manner:

First. Mr. Mejía proposed that Messrs. Calvo and Ugarte, who were chosen president and secretary at the preliminary conference, should continue provisionally to exercise those offices.

Second. The programme of work was discussed, and Doctor Gallegos submitted a draft of rules as a basis for discussion.

Third. It was agreed that a committee composed of the delegates Anderson, Batres, Bonilla, Corea, and Gallegos, should draw up, in the form of articles, the draft of rules above referred to.

Fourth. Mr. Corea suggested that a programme covering the work of the conference should be made up, and it was decided that this matter should be included in the redaction of the rules.

Fifth. The session took recess for an hour.

Sixth. The session being called to order, the project presented by the committee was read and it was agreed to discuss it at the next session.

Seventh. The session adjourned at 7 p. m.

J. B. CALVO,
President.
ANGÉL UGARTE,
Secretary.

Second preparatory session.

Convened at 3 p. m. of the 13th of November, 1907, in the reception room of the International Bureau of American Republics, the same delegates who were at the previous session, and also Doctor Madriz, delegate for Nicaragua, began business as follows:

First. The minutes of the previous session were read and approved.

Second. Then took place the reading and discussion of the draft of rules submitted by the committee, articles 1 and 2 being approved.

Third. In the discussion of article 3 Delegate Toledo Herrarte moved that it be modified so as to provide that the five delegations should alternate in the presidency. Delegates Ugarte and Anderson objected to the motion, and it was rejected by four votes. With regard to the same article, motion was made by Delegate Corea that two secretaries be elected instead of one, and this was approved.

Fourth. Article 4 was approved, and article 5 was suppressed as unnecessary, upon motion of Delegate Ugarte.

Fifth. Articles 6, 7, 8, and 9 were approved with slight verbal modifications.

Sixth. Article 10 being read, it was approved with the modification "four" in place of "two-thirds," upon motion of Delegate Mejía.

Seventh. Articles 11 and 12 were amended, giving them greater clearness, upon motion of Delegate Bonilla.

Eighth. Article 13 was approved.

Ninth. Articles 14 and 15 were read, and the delegates, not being able to agree in regard to them, suspended discussion, on motion of Delegate Bonilla. The committee on rules reconsidered them, and the following form was substituted:

"The resolutions of the conference shall be adopted unanimously, except in the instances provided for in these rules: *Provided, however,* That those

resolutions upon which three or more delegations are in accord shall be considered as obligatory upon them and as a recommendation for the others."

Tenth. Article 16 was approved.

Eleventh. Article 17 was modified, on motion of Delegate Anderson, omitting therefrom ideas which were deemed unnecessary.

Twelfth. Article 18 was approved, and a further article was added, as follows:

"Each delegate may submit to the conference his opinion upon the matter or point under discussion, and request that it be included in the minutes of the session at which it is presented."

Thirteenth. Article 20 was suppressed. Articles 21, 22, and 23 were approved, with some amendments proposed by Delegates Bonilla and Madriz, and the rules were concluded as follows:^a

Fourteenth. The selection of president of the conference was thereupon proceeded with, and Delegate Anderson was chosen for this post by four votes, the Costa Rican delegation having voted for Doctor Gallegos.

Fifteenth. On motion of Delegate Gallegos, lots were cast for the precedence of the delegations, in conformity with Article III of the rules, resulting in the following order: Nicaragua, Salvador, Guatemala, and Honduras.

Sixteenth. Delegate Rodriguez was chosen for secretary by five votes, and likewise Delegate Madriz by three votes.

Seventeenth. A committee was named, composed of Delegates Batres, Bonilla, and Corea, to accompany the Secretary of State to the place of the conference; another committee, composed of Delegates Mejía and Sánchez Ocaña, to accompany Ambassador Creel; and another, composed of Delegates Fiallos and Madriz to accompany Mr. Buchanan.

Eighteenth. A committee was appointed, composed of Delegates Calvo and Ugarte, to receive, at the door of the reception room of the conference, the Secretary of State, Ambassador Creel, and Mr. Buchanan.

Nineteenth. The delegates to the conference voted, by acclamation, expression of thanks to Delegates Calvo and Ugarte, president and secretary, respectively, of the preparatory sessions, for the services they had given in those capacities; and

Twentieth. The session adjourned at 8.30 p. m.

J. B. CALVO,
President.
ANGÉL UGARTE,
Secretary.

[Inclosure 4.]

Inaugural session.

At 2.30 in the afternoon on the 14th of November, 1907, in the city of Washington, the delegates of the five Central American Republics assembled at the Central American Peace Conference, as follows: The Hon. Luis Anderson and Don Joaquin Bernardo Calvo, for Costa Rica; Drs. Don José Madriz and Don Luis Felipe Corea, for Nicaragua; Dr. Don Salvador Gallegos, Dr. Don Salvador Rodriguez G., and Don Federico Mejía, for Salvador; the Hon. Antonio Batres Jáuregui, Dr. Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña, for Guatemala; and Dr. Don Policarpo Bonilla, Dr. Don Angel Ugarte, and Don E. Constantino Fiallos, for Honduras. There were also present His Excellency Mr. Elihu Root, Secretary of State of the United States of America; His Excellency Enrique C. Creel, the Ambassador of the United Mexican States and the Representative of the Government of Mexico at the conference; His Excellency Robert Bacon, Assistant Secretary of State of the United States of America; His Excellency William I. Buchanan, the representative of the Government of the United States of America at the conference, and Mr. José F. Godoy, secretary of embassy of Mexico.

The session commenced as follows:

First. Delegate Calvo, as president of the preliminary conference, introduced Secretary Root, who took the chair and declared the peace conference opened.

Second. Secretary Root delivered a brief address, greeting the members in the name of the Government of the United States, and expressing his desire

^a For rules see page 21.

that the conference should bring about the permanent peace of Central America. The ambassador of Mexico then read an address, in which he expressed the fraternal attitude of his Government toward Central America and its good wishes for the successful outcome of the conference. In the name of the conference, Mr. Anderson replied to both addresses.

Third. Delegate Ugarte, secretary ad interim, read the protocol of the 17th of September, which is to serve as the basis for the work of the conference, and the minutes of the preliminary sessions held by the plenipotentiaries of Central America. The reading of one of the minutes of the preliminary sessions of the conference was dispensed with.

Fourth. Mr. Root named Messrs. José Madriz and Salvador Rodriguez G. secretaries ad interim of the conference.

Fifth. The secretary read the list of members of the delegations in the order in which they appear in the diplomatic list of the Department of State at Washington.

Sixth. The communication from the Department of State of the 11th instant was then read, which convened the delegates of the five Republics to a meeting in this city in the International Bureau of American Republics at 2.30 o'clock this afternoon.

Seventh. On motion of the Secretary of State, a committee was appointed, composed of Messrs. Calvo, Toledo Herrarte, Fiallos, Corea, and Mejía, to examine the credentials of the delegates.

Eighth. The committee on credentials reported that all the credentials were in due form.

Ninth. On the motion of the Secretary of State, steps were taken to elect a president of the conference. Delegate Luis Anderson was elected by four votes—Costa Rica having voted for Dr. Salvador Gallegos. The Secretary of State announced the result of the election and turned over the chair to Mr. Anderson.

Tenth. The president invited the conference to choose permanent secretaries. Delegate Madriz was elected by 4 votes and Delegate Rodriguez G. unanimously. Doctor Fiallos received the vote of the delegation of Nicaragua.

Eleventh. It was then proceeded to elect honorary presidents of the conference, and His Excellency Elihu Root, the Secretary of State of the United States of America, and His Excellency Don Ignacio Mariscal, secretary of state of the United Mexican States, were elected by acclamation.

Twelfth. The president appointed a permanent committee on rules, composed of Messrs. Gallegos, Batres Jauregui, and Bonilla.

The session adjourned at 4.20 p. m.

LUIS ANDERSON,
ANTONIO BATRES JAUREGUI,
VÍCTOR SÁNCHEZ O.,
ANGÉL UGARTE,
POLICARPO BONILLA,
JOSÉ MADRIZ,
SALVADOR GALLEGOS,

F. MEJÍA,
J. B. CALVO,
LUIS TOLEDO HERRARTE,
E. CONSTANTINO FIALLOS,
LUIS F. COREA,
SALVADOR RODRIGUEZ G.,
Delegates to the Peace Conference.

[Inclosure 4a.]

Address of the Hon. Elihu Root, Secretary of State of the United States, when calling the conference to order on November 14, 1907.

MR. AMBASSADOR AND GENTLEMEN OF THE FIVE CENTRAL AMERICAN REPUBLICS: Usage devolves upon me as the head of the foreign office of the country in which you are assembled to call this meeting together; to call it to order and to preside during the formation of your organization. I wish to express to you, at the outset, the high appreciation of the Government of the United States of the compliment which you pay to us in selecting the city of Washington as the field of your labors in behalf of the rule of peace and order and brotherhood among the peoples of Central America. It is most gratifying to the people of the United States that you should feel that you will find here an atmosphere favorable to the development of the ideas of peace and unity, of progress and mutual helpfulness, in place of war and revolution and the retardation of the principles of liberty and justice.

So far as a sincere and friendly desire for success in your labors may furnish a favorable atmosphere, you certainly will have it here. The people of the United States are sincere believers in the principles that you are seeking to apply to the conduct of your international affairs in Central America. They sincerely desire the triumph and the control of the principles of liberty and order everywhere in the world. They especially desire that the blessings which follow the control of those principles may be enjoyed by all the people of our sister Republics on the Western Hemisphere, and we further believe that it will be, from the most selfish point of view, for our interests to have peaceful, prosperous, and progressive Republics in Central America.

The people of the United Mexican States and of the United States of America are now enjoying great benefits from the mutual interchange of commerce and friendly intercourse between the two countries of Mexico and the United States. Prosperity, the increase of wealth, the success of enterprise—all the results that come from the intelligent use of wealth—are being enjoyed by the people of both countries, through the friendly intercourse that utilizes for the people of each country the prosperity of the other. We in the United States should be most happy if the States of Central America might move with greater rapidity along the pathway of such prosperity, of such progress, to the end that we may share, through commerce and friendly intercourse, in your new prosperity and aid you by our prosperity.

We can not fail, gentlemen, to be admonished by the many failures which have been made by the people of Central America to establish agreement among themselves which would be lasting, that the task you have before you is no easy one. The trial has often been made and the agreements which have been elaborated, signed, ratified, seem to have been written in water. Yet I can not resist the impression that we have at last come to the threshold of a happier day for Central America. Time is necessary to political development. I have great confidence in the judgment that in the long course of time, through successive steps of failure, through the accompanying education of your people, through the encouraging examples which now, more than ever before, surround you, success will be attained in securing unity and progress in other countries of the New Hemisphere. Through the combination of all these, you are at a point in your history where it is possible for you to take a forward step that will remain.

It would ill become me to attempt to propose or suggest the steps which you should take, but I will venture to observe that the all-important thing for you to accomplish is that while you enter into agreements which will, I am sure, be framed in consonance with the most peaceful aspirations and the most rigid sense of justice, you shall devise also some practical methods under which it will be possible to secure the performance of those agreements. The mere declaration of general principles, the mere agreement upon lines of policy and of conduct are of little value, unless there be practical and definite methods provided by which the responsibility for failing to keep the agreement may be fixed upon some definite person, and the public sentiment of Central America brought to bear to prevent the violation. The declaration that a man is entitled to his liberty would be of little value with us in this country were it not for the writ of habeas corpus that makes it the duty of a specific judge, when applied to, to inquire into the cause of his detention and set him at liberty if he is unjustly detained. The provision which declares that a man should not be deprived of his property without due process of law would be of little value were it not for the practical provision which imposes on specific officers the duty of nullifying every attempt to take away a man's property without due process of law.

To find practical definite methods by which you shall make it somebody's duty to see that the great principles you declare are not violated, by which if an attempt be made to violate them the responsibility may be fixed upon the guilty individual—those, in my judgment, are the problems to which you should specifically and most earnestly address yourselves.

I have confidence in your success, because I have confidence in your sincerity of purpose, and because I believe that your people have developed to the point where they are ready to receive and to utilize such results as you may work out. Why should you not live in peace and harmony? You are one people in fact, your citizenship is interchangeable—your race, your religion, your customs, your laws, your lineage, your consanguinity and lineage, your social relations, your sympathies, your aspirations, and your hopes for the future are the same. It can be nothing but the ambition of individuals who care more for their self-

ish purposes than for the good of their country that can prevent the people of the Central American States from living together in peace and harmony.

It is my most earnest hope, it is the hope of the American Government and people, that from this conference may come the specific and practical measures which will enable the people of Central America to march on with equal step abreast of the most progressive nations of modern civilization, to fulfill their great destinies in that brotherhood which nature has intended them to preserve and to exile forever from that land of beauty and of wealth incalculable the fraternal strife which has hitherto held you back in the development of your civilization.

[Inclosure 4b.]

Address of His Excellency the Mexican Ambassador, Don Enrique C. Creel, at the inaugural session of the conference.

GENTLEMEN OF THE CENTRAL AMERICAN DELEGATIONS: Allow me to bid you all, in the name of the people and the Government of Mexico, which I have the honor to represent on this solemn occasion, the heartiest welcome, and to express my most sincere good wishes for your personal welfare and for the success of the missions your respective governments have intrusted into your hands.

You come to Washington, gentlemen, on such a far-reaching, noble, and lofty errand, to perform a work of such lasting results, that I do not hesitate to say that if heretofore you have been known in Central America as distinguished jurists, diplomats of experience, and ardent patriots, your names will henceforth be a household word in the entire American continent, as they can not remain confined within the frontiers of any one particular region, and will symbolize, whenever pronounced, the greatest of blessings that a people, that mankind, may enjoy. Your names will spell peace, holy peace, and its follower, liberty, to which is due the greatness of the country which at this moment gives you such affectionate hospitality.

The Mexican Republic is bound to the Central American countries by common blood ties, historical traditions, language, geographical proximity, community of interests, and similarity of political institutions, and Gen. Porfirio Diaz saw with particular pleasure the opportunity offered him to cooperate in helping the five sister Republics to lay the foundations of a peace to which they are entitled, and that will undoubtedly bring them such great benefits as Mexico has secured. The joint suggestion, signed by the chief executive of my country and the eminent statesman now President of the United States of America, has brought you here, under the roof of the International Bureau of the American Republics, which is, if I may so express it, the common home of all the nations on this continent.

For many years what was formerly Spanish-America has been enjoying peace, achieving material progress, and successfully striving to practically establish the institutions we inherited from our forefathers. The revolutionary germs seem to exist (and with particular vigor) only in the most central portion of the continent, where the two portions of America which are destined to live in a close fraternal union meet. Why should it be strange, then, that the countries nearest to yours extend their friendly mediation, and in case of necessity their frank assistance, that you may come to a mutual understanding and weld together the link of common love, tendencies, and interests, which will be the basis of your future prosperity?

Neither the United States nor Mexico craves territorial expansion, nor is either desirous of intervening in your affairs, nor do they ask aught but to see you peaceable, strong, and prosperous countries. Mexico and the United States are convinced that such will be result obtained by your energy, patriotism, and good will, after honest deliberations, intent upon securing peace for the five Central American Republics on the basis of eternal justice.

Peace has always been the greatest boon to mankind. But when population and elements of wealth increase, and the level of civilization becomes higher, and the principles of justice and respect for property becomes more solid; when a higher estimate is put upon the life of man, it is then that tranquillity becomes more valuable in the world, its rule controls as a supreme necessity, as the greatest of all blessings, the mainspring of patriotism, and the unmovable basis of national autonomy.

The world moves on. The various manifestations of progress reach everywhere; earthly civilization becomes universal, demanding that each and every people in the world share in its benefits. When civilization finds no barriers nor suitable surroundings, it directs to that spot all its energies and its life-giving elements of wealth. But when war, disorder, and extermination block the way and oppose the great force of civilization, then conditions become dangerous both at home and abroad; thence proceed retrogression and the elements of international difficulties.

The peoples of to-day can not dwell in isolation, linked as life is to the common cause of human progress, and it is only in the midst of peace that the preservation of national integrity can be conceived. When that support is wanting, autonomy is in danger, and the wrongs and the damage done may be irreparable.

The present tendency of civilized countries is clearly toward peace, as shown by The Hague tribunal; by the several peace and arbitration congresses and conferences organized or to be organized in advanced nations; as advocated by the public press in all countries, irrespective of political parties or religious creed; as taught in schools and universities. Peace is the yearning cry of humanity. No mistake could be greater, no blindness darker, than to oppose those tendencies. Any and all sacrifices seem small when made to obtain a solid, unmolested, firm peace.

This is not all, however. Before long America will witness a great event—the opening of the Panama Canal. This gigantic undertaking will mark the commencement of a new era for Pan-American progress. This great work will facilitate the means of communication and at the same time will bring together in closer bonds the nations of this hemisphere, giving greater impulse to their international commerce. To achieve this it will be necessary to make great improvements to ports, to undertake expensive sanitary works, to build many railway lines, banks, commercial houses, and to consolidate both the internal and foreign public credit.

And in order to enjoy all these benefits we need peace in America; a peace to be uninterrupted in every one of the nations of this hemisphere. To disturb that peace would be more dangerous than it is at present. This is the right moment to build the proper foundations and to secure among you all that harmony in which the North, Central, and South Americans are so deeply interested.

You possess admirable elements of life, sources of unexplored riches, immense tracts of uncultivated lands, a coast line of incomparable value. All you need is that men work instead of killing one another; capital to flow to your countries at your request, instead of shunning your countries for fear of wars.

If my judgment of your affairs is not erroneous, your disputes turn upon issues which are simple and, above all, susceptible of pacific adjustment. Boundary questions, questions of wrongs to citizens, territorial invasion, and many others, which can not be prevented between adjoining countries, may be easily and peaceably settled according to such general rules as you may adopt at this conference; and civil or foreign wars will only come when, unfortunately, great calamities must come; and then as often as wars now occur in the civilized countries of the world, and not as frequently as they now fall upon the savage hordes of uncivilized countries.

To attain these conditions it is necessary not to seek to gain advantages, nor to claim predominance over one another, nor redress of wrongs, nor yet lose control of one's temper. The object of this conference is nobler and loftier. It is to seek in good faith the means of doing justice. Your clear intelligence and patriotism will surely find it, and when found it must be embodied in a treaty of very long duration. This is what the world expects of the high representation of your respective Governments; this is what Mexico and the United States of America expect, because they will, in perfect good faith, seal that treaty as a moral guaranty of an honest and steadfast purpose, as a token of love for peace, and as an evidence of confraternity, sympathy, and justice to the countries you represent.

Moreover, the conference has a significance and teaching of the highest interest to humanity, because it is a further step in the peaceful solution of international difficulties by means of reason and justice, through a perfect understanding and a just analysis of the facts, through the quiet and tranquil justice of illustrious jurists and statesmen, and because it draws us nearer the creation of tribunals which, exalting their mission, do justice as between the nations as they now do it between individuals of society.

Your own countries, the civilization of America, and the peace of the whole world expect much of you gentlemen. Your knowledge of the character and historical conditions of your charming countries will serve you in aiding you to advance now at a single step more than you could possibly do in a number of years under present conditions.

In such a work, as fine as it is, worthy of the efforts of good patriots and men of rank, you may always count on the good will of the Mexican Government.

Gentlemen, may the treaty of Washington carry in its very soul the lofty ideals of the Latin race to which we belong, and may its form be as solid and strong as the great American people identified with us in this common work of order, civilization, and progress. May this be as perpetual a treaty as will always be the unchangeable good faith and love of peace of the two Republics, your friends, who have invited you to take up this humanitarian task.

[Inclosure 4c.]

Address of His Excellency Señor Don Luis Anderson, delegate and minister for foreign affairs of Costa Rica, at the inaugural session of the conference on November 14, 1907, replying on behalf of the delegates to the conference to the addresses made by the Secretary of State and the Mexican ambassador.

YOUR EXCELLENCIES: Your words move us deeply and will reecho among our brothers in Central America as the good news that calls us to a better life, as the smiling promise of an era of peace, justice, and prosperity which will allow the Central American Republics to play the part in human progress that modern civilization has reserved for each member of the great family of nations; and to start again, strengthened by the bitter experiences of a tempestuous past, but at the same time encouraged by the consciousness of their proper destinies.

The solemn inauguration of this Central American Peace Conference by the honorable Secretary of State, on which occasion we have also listened to the eloquent, wise, and kind words of his excellency the ambassador of the United Mexican States, which jointly constitute a symbol of American confraternity, marks in the history of our people the epoch that separates the past from the future, the time when war and revolution will sink, never to rise, to give way to peace, progress, and tranquillity. It is the beginning of an era to which the spirit of the century urgently calls us.

Civilization can not allow that in the family of nations there be one which does not work for or contribute to the common benefit the full extent of its energies and of the wealth with which nature has endowed it, because all nations are united in human progress.

Admirably situated between two continents, with extensive coast lines on both oceans, with an exceedingly rich soil, suitable for all kinds of products, with mountains full of gold and silver—in fine, with such wealth that it would seem nature took pride in scattering over those lands all its wealth with a prodigal hand—Central America is in duty bound to render to civilization, through universal interchange, all the benefits that its privileged situation demands; and, nevertheless, I lament to say this—we are backward in fulfilling this duty, because the futile strifes in which some of the Republics have consumed their energies have separated us from the ideals our forefathers contemplated when they, regardless of sacrifice, gave us our country and liberty.

It was a divine inspiration which led the Presidents of our sisters of the north, when Central American soil was threatened to be dyed with the blood of brothers, to raise their friendly voices bidding the fratricidal arm to stop and calling us to Washington to undertake, in a brotherly conference, the work of peace, which elevates and dignifies nations and leads them along the road to civilization and happiness. Through this generous and humanitarian action Presidents Roosevelt and Diaz have won new laurels, have written a new page of glory in the history of their respective countries, but above all have won for themselves a place in the heart of each one of the citizens of the five Central American countries. The names of Roosevelt and Diaz will always be remembered with gratitude by the humble citizens of those countries, those whose hands are hardened by toil and whose faces are tanned by the tropical sun, who will be the most directly benefited by a stable peace, because the simple

peasant, who is compelled to exchange the plow for the sword, goes to war but does not love war.

Our peoples are not warlike, and the only part they have played in the several wars which from independence to our day have stained the Central American soil with blood is that of dying with heroism and self-denial for a cause which they have not understood. The Central American wars have never been wars between nations, but wars between governments.

The disturbances which have taken place in some of the Central American Republics, and their tremendous resultant calamities, are above all the outcome of abuse, or rather forgetfulness of liberty, the protecting goddess of nations, under whose radiant guidance nations become great, rich, and strong. For liberty is a jealous goddess, more jealous even than the God of Israel, and punishes with an implacable hand the countries which do not properly worship her and produces misery and anarchy, which are more terrible even than all the biblical plagues.

If, in the Washington conference, we turn our eyes toward liberty; if we make provision necessary in order that our countries, free from past errors, may enter anew upon a life of real democratic solidarity; if we bring it about that the Governments of our five countries do not remain indefinitely in power but are both in their origin and in their acts a free expression of the will of the people; in fine, if we succeed in establishing that the rights of man, the noblest inheritance of the human race, which are embodied in all our constitutions but sometimes sadly forgotten, become really effective, become something like the backbone of our institutions and of our social and political organization—in short, if we enter in all sincerity into a constitutional life, we shall have done great good to our countries, and the generous hope of Presidents Roosevelt and Diaz will be realized.

Let us direct our efforts to the end that respect for the liberty of individuals and of states shall be a reality. Let us admit and guarantee the government of the people and for the people in each one of the Central American nations, and then peace will be assured and the road to our happiness and perfection will be clear.

I believe I interpret the sentiment and the patriotic feelings of each one of the delegates when I say that we feel sure that we will reach that goal, and, therefore, our gratitude to those who have aided us in this praiseworthy work will be sincere. Which one of our nations will show so little of patriotism as to refuse to ratify such effective means of procuring us happiness?

[Inclosure 5.]

General treaty of peace and amity.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, being desirous of establishing the foundations which fix the general relations of said countries, have seen fit to conclude a general Treaty of Peace and Amity which will attain said end, and for that purpose have named as Delegates:

COSTA RICA: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña.

HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angel Ugarte, and Don E. Constantino Fiallos;

NICARAGUA: Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

The Republics of Central America consider as one of their first duties, in their mutual relations, the maintenance of peace; and they bind themselves to always observe the most complete harmony, and decide every difference or difficulty that may arise amongst them, of whatsoever nature it may be, by means of the Central American Court of Justice, created by the Convention which they have concluded for that purpose on this date.

ARTICLE II.

Desiring to secure in the Republics of Central America the benefits which are derived from the maintenance of their institutions, and to contribute at the same time in strengthening their stability and the prestige with which they ought to be surrounded, it is declared that every disposition or measure which may tend to alter the constitutional organization in any of them is to be deemed a menace to the peace of said Republics.

ARTICLE III.

Taking into account the central geographical position of Honduras and the facilities which owing to this circumstance have made its territory most often the theater of Central American conflicts, Honduras declares from now on its absolute neutrality in event of any conflict between the other Republics; and the latter, in their turn, provided such neutrality be observed, bind themselves to respect it and in no case to violate the Honduran territory.

ARTICLE IV.

Bearing in mind the advantages which must be gained from the creation of Central American institutions for the development of their most vital interests, besides the Pedagogical Institute and the International Central American Bureau which are to be established according to the Conventions concluded to that end by this Conference, the creation of a practical Agricultural School in the Republic of Salvador, one of Mines and Mechanics in that of Honduras, and another of Arts and Trades in that of Nicaragua, is especially recommended to the Governments.

ARTICLE V.

In order to cultivate the relations between the States, the contracting Parties obligate themselves each to accredit to the others a permanent Legation.

ARTICLE VI.

The citizens of one of the contracting Parties, residing in the territory of any of the others, shall enjoy the same civil rights as are enjoyed by nationals, and shall be considered as citizens in the country of their residence if they fulfil the conditions which the respective constituent laws provide. Those that are not naturalized shall be exempt from obligatory military service, either on sea or land, and from every forced loan or military requisition, and they shall not be obliged on any account to pay greater contributions or ordinary or extraordinary imposts than those which natives pay.

ARTICLE VII.

The individuals who have acquired a professional degree in any of the contracting Republics, may, without special exaction, practice their professions, in accordance with the respective laws, in any one of the others, without other requirements than those of presenting the respective degree or diploma properly authenticated and of proving, in case of necessity, their personal identity and of obtaining a permit from the Executive Power where the law so requires.

In like manner shall validity attach to the scientific studies pursued in the universities, professional schools, and the schools of higher education of any one of the contracting countries, provided the documents which evidence such studies have been authenticated, and the identity of the person proved.

ARTICLE VIII.

Citizens of the signatory countries who reside in the territory of the others shall enjoy the right of literary, artistic, or industrial property in the same manner and subject to the same requirements as natives.

ARTICLE IX.

The merchant ships of the signatory countries shall be considered upon the sea, along the coasts, and in the ports of said countries as national vessels; they shall enjoy the same exemptions, immunities, and concessions as the latter, and shall not pay other dues nor be subject to further taxes than those imposed upon and paid by the vessels of the country.

ARTICLE X.

The Governments of the contracting Republics bind themselves to respect the inviolability of the right of asylum aboard the merchant vessels of whatsoever nationality anchored in their ports. Therefore, only persons accused of common crimes can be taken from them after due legal procedure and by order of the competent judge. Those prosecuted on account of political crimes or common crimes in connection with political ones, can only be taken therefrom in case they have embarked in a port of the State which claims them, during their stay in its jurisdictional waters, and after the requirements hereinbefore set forth in the case of common crimes have been fulfilled.

ARTICLE XI.

The Diplomatic and Consular Agents of the contracting Republics in foreign cities, towns, and ports shall afford to the persons, vessels, and other property of the citizens of any one of them, the same protection as to the persons, ships, and other properties of their compatriots, without demanding for their services other or higher charges than those usually made with respect to their nationals.

ARTICLE XII.

In the desire of promoting commerce between the contracting Republics, their respective Governments shall agree upon the establishment of national merchant marines engaged in coastwise commerce and the arrangements to be made with and the subsidies to be granted to steamship companies engaged in the trade between national and foreign ports.

ARTICLE XIII.

There shall be a complete and regular exchange of every class of official publications between the contracting Parties.

ARTICLE XIV.

Public instruments executed in one of the contracting Republics shall be valid in the others, provided they shall have been properly authenticated and in their execution the laws of the Republic whence they issue shall have been observed.

ARTICLE XV.

The judicial authorities of the contracting Republics shall carry out the judicial commissions and warrants in civil, commercial, or criminal matters, with regard to citations, interrogatories, and other acts of procedure or judicial function.

Other judicial acts, in civil or commercial matters, arising out of a personal suit, shall have in the territory of any one of the contracting Parties equal force with those of the local tribunals and shall be executed in the same manner, provided always that they shall first have been declared executory by the Supreme Tribunal of the Republic wherein they are to be executed, which shall be done if they meet the essential requirements of their respective legislation and they shall be carried out in accordance with the laws enacted in each country for the execution of judgments.

ARTICLE XVI.

Desiring to prevent one of the most frequent causes of disturbances in the Republics, the contracting Governments shall not permit the leaders or principal chiefs of political refugees, nor their agents, to reside in the departments bordering on the countries whose peace they might disturb.

Those who may have established their permanent residence in a frontier department may remain in the place of their residence under the immediate surveillance of the Government affording them an asylum, but from the moment when they become a menace to public order, they shall be included in the rule of the preceding paragraph.

ARTICLE XVII.

Every person, no matter what his nationality, who, within the territory of one of the contracting Parties, shall initiate or foster revolutionary movements against any of the others, shall be immediately brought to the capital of the Republic, where he shall be submitted to trial according to law.

ARTICLE XVIII.

With respect to the Bureau of Central American Republics which shall be established in Guatemala, and with respect to the Pedagogical Institute which is to be created in Costa Rica, the Conventions celebrated to that end shall be observed, and those that refer to Extradition, Communications, and Annual Conferences shall remain in full force for the unification of Central American interests.

ARTICLE XIX.

The present Treaty shall remain in force for the term of ten years counted from the day of the exchange of ratifications. Nevertheless, if one year before the expiration of said term none of the contracting Parties shall have given special notice to the others concerning its intention to terminate it, it shall remain in force until one year after such notification shall have been made.

ARTICLE XX.

The stipulations of the Treaties heretofore concluded among the contracting Countries, being comprised or suitably modified in this, it is declared that all stipulations remain void and revoked by the present, after final approval and exchange of ratifications.

ARTICLE XXI.

The exchange of ratifications of the present Treaty, as well as that of the other Conventions of this date, shall be made by means of communications which are to be addressed by the Governments to that of Costa Rica, in order that the latter shall notify the other contracting States. The Government of Costa Rica shall also communicate its ratification if it affects it.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON.
 J. B. CALVO.
 ANTONIO BATRES JÁUREGUI.
 LUIS TOLEDO HERRARTE.
 VÍCTOR SÁNCHEZ O.
 POLICARPO BONILLA.
 ANGEL UGARTE.
 E. CONSTANTINO FIALLOS.
 JOSÉ MADRIZ.
 LUIS F. COREA.
 SALVADOR GALLEGOS.
 SALVADOR RODRÍGUEZ G.
 F. MEJÍA.

[Inclosure 6.]

Additional convention to the general treaty.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador have seen fit to conclude a Convention additional to the General Treaty, and to that end have named as Delegates:

COSTA RICA.—Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA.—Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS.—Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angel Ugarte, and Don E. Constantino Fiallos;

NICARAGUA.—Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR.—Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

The Governments of the High Contracting Parties shall not recognize any other Government which may come into power in any of the five Republics as a consequence of a *coup d'état*, or of a revolution against the recognized Government, so long as the freely elected representatives of the people thereof have not constitutionally reorganized the country.

ARTICLE II.

No Government of Central America shall in case of civil war intervene in favor of or against the Government of the country where the struggle takes place.

ARTICLE III.

The Governments of Central America, in the first place, are recommended to endeavor to bring about, by the means at their command, a constitutional reform in the sense of prohibiting the reelection of the President of a Republic, where such prohibition does not exist, secondly to adopt all measures necessary to effect a complete guarantee of the principle of alternation in power.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON.
 J. B. CALVO.
 ANTONIO BATRES JÁUREGUI.
 LUIS TOLEDO HERRARTE.
 VÍCTOR SÁNCHEZ O.
 POLICARPO BONILLA.
 ANGEL UGARTE.
 E. CONSTANTINO FIALLOS.
 JOSÉ MADRIZ.
 LUIS F. COREA.
 SALVADOR GALLEGOS.
 SALVADOR RODRÍGUEZ G.
 F. MEJÍA.

[Inclosure 7.]

Convention for the establishment of a Central American court of justice.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, for the purpose of efficiently guaranteeing their rights and maintaining peace and harmony inalterably in their relations, without being obliged to resort in any case to the employment of force, have agreed to conclude a Convention for the constitution of a Court of Justice charged with accomplishing such high aims, and, to that end, have named as Delegates:

COSTA RICA.—Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA.—Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS.—Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angél Ugarte, and Don E. Constantino Fiallos;

NICARAGUA.—Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR.—Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

The High Contracting Parties agree by the present Convention to constitute and maintain a permanent tribunal which shall be called the "Central American Court of Justice," to which they bind themselves to submit all controversies or questions which may arise among them, of whatsoever nature and no matter what their origin may be, in case the respective Departments of Foreign Affairs should not have been able to reach an understanding.

ARTICLE II.

This court shall also take cognizance of the questions which individuals of one Central American country may raise against any of the other contracting Governments, because of the violation of treaties or conventions, and other cases of an international character; no matter whether their own Government supports said claim or not; and provided that the remedies which the laws of the respective country provide against such violation shall have been exhausted or that denial of justice shall have been shown.

ARTICLE III.^a

It shall also take cognizance of the cases which by common accord the contracting Governments may submit to it, no matter whether they arise between two or more of them or between one of said Governments and individuals.

ARTICLE IV.

The Court can likewise take cognizance of the international questions which by special agreement any one of the Central American Governments and a foreign Government may have determined to submit to it.

ARTICLE V.

The Central American Court of Justice shall sit at the City of Cartago in the Republic of Costa Rica, but it may temporarily transfer its residence to

^aThe text of this article was corrected by an additional Protocol of the same date, so that the true text will be found on p. 701.

another point in Central America whenever it deems it expedient for reasons of health, or in order to insure the exercise of its functions, or of the personal safety of its members.

ARTICLE VI.

The Central American Court of Justice shall consist of five Justices, one being appointed by each Republic and selected from among the jurists who possess the qualifications which the laws of each country prescribe for the exercise of high judicial office, and who enjoy the highest consideration, both because of their moral character and their professional ability.

Vacancies shall be filled by substitute Justices, named at the same time and in the same manner as the regular Justices, and who shall unite the same qualifications as the latter.

The attendance of the five justices who constitute the Tribunal is indispensable in order to make a legal quorum in the decisions of the Court.

ARTICLE VII.

The Legislative Power of each one of the five contracting Republics shall appoint their respective Justices, one regular and two substitutes.

The salary of each Justice shall be eight thousand dollars, gold, per annum, which shall be paid them by the Treasury of the Court. The salary of the Justice of the country where the Court resides shall be fixed by the Government thereof. Furthermore each State shall contribute two thousand dollars, gold, annually toward the ordinary and extraordinary expenses of the Tribunal. The Governments of the contracting Republics bind themselves to include their respective contributions in their estimates of expenses and to remit quarterly in advance to the Treasury of the Court the share they may have to bear on account of such services.

ARTICLE VIII.

The regular and substitute Justices shall be appointed for a term of five years, which shall be counted from the day on which they assume the duties of their office, and they may be reelected.

In case of death, resignation, or permanent incapacity of any of them, the vacancy shall be filled by the respective Legislature, and the Justice elected shall complete the term of his predecessor.

ARTICLE IX.

The regular and substitute Justices shall take oath or make affirmation prescribed by law before the authority that may have appointed them, and from that moment they shall enjoy the immunities and prerogatives which the present Convention confers upon them. The regular Justices shall likewise enjoy thenceforth the salary fixed in Article VII.

ARTICLE X.

Whilst they remain in the country of their appointment the regular and substitute Justices shall enjoy the personal immunity which the respective laws grant to the magistrates of the Supreme Court of Justice, and in the other contracting Republics they shall have the privileges and immunities of Diplomatic Agents.

ARTICLE XI.

The office of Justice whilst held is incompatible with the exercise of his profession, and with the holding of public office. The same incompatibility applies to the substitute Justices so long as they may actually perform their duties.

ARTICLE XII.

At its first annual session the Court shall elect from among its own members a President and Vice-President; it shall organize the personnel of its office by designating a Clerk, a Treasurer, and such other subordinate employees as it may deem necessary, and it shall draw up the estimate of its expenses.

ARTICLE XIII.

The Central American Court of Justice represents the national conscience of Central America, wherefore the Justices who compose the Tribunal shall not consider themselves barred from the discharge of their duties because of the

interest which the Republics, to which they owe their appointment, may have in any case or question. With regard to allegations of personal interest, the rules of procedure which the Court may fix shall make proper provision.

ARTICLE XIV.

When differences or questions subject to the jurisdiction of the Tribunal arise, the interested party shall present a complaint which shall comprise all the points of fact and law relative to the matter, and all pertinent evidence. The Tribunal shall communicate without loss of time a copy of the complaint to the Governments or individuals interested, and shall invite them to furnish their allegations and evidence within the term that it may designate to them, which, in no case, shall exceed sixty days counted from the date of notice of the complaint.

ARTICLE XV.

If the term designated shall have expired without answer having been made to the complaint, the Court shall require the complainant or complainants to do so within a further term not to exceed twenty days, after the expiration of which and in view of the evidence presented and of such evidence as it may *ex officio* have seen fit to obtain, the Tribunal shall render its decision in the case, which decision shall be final.

ARTICLE XVI.

If the Government, Governments, or individuals sued shall have appeared in time before the Court, presenting their allegations and evidence, the Court shall decide the matter within thirty days following, without further process or proceedings; but if a new term for the presentation of evidence be solicited, the Court shall decide whether or not there is occasion to grant it; and in the affirmative it shall fix therefor a reasonable time. Upon the expiration of such term, the Court shall pronounce its final judgment within thirty days.

ARTICLE XVII.

Each one of the Governments or individuals directly concerned in the questions to be considered by the Court has the right to be represented before it by a trustworthy person or persons, who shall present evidence, formulate arguments, and shall, within the terms fixed by this Convention and by the rules of the Court of Justice do everything that in their judgment shall be beneficial to the defense of the rights they represent.

ARTICLE XVIII.

From the moment in which any suit is instituted against any one or more governments up to that in which a final decision has been pronounced, the court may at the solicitation of any one of the parties fix the situation in which the contending parties must remain, to the end that the difficulty shall not be aggravated and that things shall be conserved in *statu quo* pending a final decision.

ARTICLE XIX.

For all the effects of this Convention the Central American Court of Justice may address itself to the Governments or tribunals of justice of the contracting States, through the medium of the Ministry of Foreign Relations or the office of the Clerk of the Supreme Court of Justice of the respective country, according to the nature of the requisite proceeding, in order to have the measures that it may dictate within the scope of its jurisdiction carried out.

ARTICLE XX.

It may also appoint special commissioners to carry out the formalities above referred to, when it deems it expedient for their better fulfillment. In such case, it shall ask of the Government where the proceeding is to be had, its cooperation and assistance, in order that the Commissioner may fulfill his mission.

The contracting Governments formerly bind themselves to obey and to enforce the orders of the Court, furnishing all the assistance that may be necessary for their best and most expeditious fulfillment.

ARTICLE XXI.

In deciding points of fact that may be raised before it, the Central American Court of Justice shall be governed by its free judgment, and with respect to points of law, by the principles of International Law. The final judgment shall cover each one of the points in litigation.

ARTICLE XXII.

The Court is competent to determine its jurisdiction, interpreting the Treaties and Conventions germane to the matter in dispute, and applying the principles of international law.

ARTICLE XXIII.

Every final or interlocutory decision shall be rendered with the concurrence of at least three of the Justices of the Court. In case of disagreement, one of the substitute Justices shall be chosen by lot, and if still a majority of three be not thus obtained other Justices shall be successively chosen by lot until three uniform votes shall have been obtained.

ARTICLE XXIV.

The decisions must be in writing and shall contain a statement of the reasons upon which they are based. They must be signed by all the Justices of the Court and countersigned by the Clerk. Once they have been notified they can not be altered on any account; but, at the request of any of the parties, the Tribunal may declare the interpretation which must be given to its judgments.

ARTICLE XXV.

The judgments of the Court shall be communicated to the five Governments of the contracting Republics. The interested parties solemnly bind themselves to submit to said judgments, and all agree to lend all moral support that may be necessary in order that they may be properly fulfilled, thereby constituting a real and positive guarantee of respect for this Convention and for the Central American Court of Justice.

ARTICLE XXVI.

The Court is empowered to make its rules, to formulate the rules of procedure which may be necessary, and to determine the forms and terms not prescribed in the present Convention. All the decisions which may be rendered in this respect shall be communicated immediately to the High Contracting Parties.

ARTICLE XXVII.

The High Contracting Parties solemnly declare that on no ground nor in any case will they consider the present Convention as void; and that, therefore, they will consider it as being always in force during the term of ten years counted from the last ratification. In the event of the change or alteration of the political status of one or more of the Contracting Republics, the functions of the Central American Court of Justice created by this Convention shall be suspended *ipso facto*; and a conference to adjust the constitution of said Court to the new order of things shall be forthwith convoked by the respective Governments; in case they do not unanimously agree the present Convention shall be considered as rescinded.

ARTICLE XXVIII.

The exchange of ratifications of the present Convention shall be made in accordance with Article XXI of the General Treaty of Peace and Amity concluded on this date.

PROVISIONAL ARTICLE.

As recommended by the five Delegations an Article is annexed which contains an amplification of the jurisdiction of the Central American Court of Justice, in order that the Legislatures may, if they see fit, include it in this Convention upon ratifying it.

ANNEXED ARTICLE.

The Central American Court of Justice shall also have jurisdiction over the conflicts which may arise between the Legislative, Executive, and Judicial Powers, and when as a matter of fact the judicial decisions and resolutions of the National Congress are not respected.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON.
 J. B. CALVO.
 ANTONIO BATRES JÁUREGUI.
 LUIS TOLEDO HERRARTE.
 VÍCTOR SÁNCHEZ O.
 POLICARPO BONILLA.
 ANGÉL UGARTE.
 E. CONSTANTINO FIALLOS.
 JOSÉ MADRIZ.
 LUIS F. COREA.
 SALVADOR GALLEGOS.
 SALVADOR RODRÍGUEZ G.
 F. MEJÍA.

[Inclosure 8.]

Additional Protocol to the Convention for the establishment of a Central American Court of Justice.

At the city of Washington, at one o'clock in the afternoon of the twentieth day of December, one thousand nine hundred and seven. The undersigned Delegates to the Central American Peace Conference:

For COSTA RICA: Their Excellencies Doctor Luis Anderson and Don Joaquín B. Calvo;

For GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez-Ocaña;

For HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angé Ugarde, and Don E. Constantino Fiallos;

For NICARAGUA: Their Excellencies Doctor Don José Madriz and Doctor Don Luis F. Corea;

For SALVADOR: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

Noting that an error has been committed in copying the text of Article III of the Convention for the establishment of a Central American Court of Justice, concluded on this date, make it known that the authentic text of said Article III is as follows:

"It shall also have jurisdiction over cases arising between any of the contracting Governments and individuals, when by common accord they are submitted to it."

In testimony whereof they sign the present Protocol, which shall be considered as an integral part of the Convention.

LUIS ANDERSON.
 J. B. CALVO.
 ANTONIO BATRES JÁUREGUI.
 LUIS TOLEDO HERRARTE.
 VÍCTOR SÁNCHEZ O.
 POLICARPO BONILLA.
 ANGÉL UGARTE.
 E. CONSTANTINO FIALLOS.
 JOSÉ MADRIZ.
 LUIS F. COREA.
 SALVADOR GALLEGOS.
 SALVADOR RODRÍGUEZ G.
 F. MEJÍA.

[Inclosure 9.]

Extradition Convention.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, desiring to confirm their friendly relations and to promote the cause of justice, have resolved to celebrate a Convention for the extradition of fugitives from justice, and to that end have named as delegates:

COSTA RICA: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angél Ugarte, and Don E. Constantino Fiallos;

NICARAGUA: Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez Gonzáles, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the Protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

The Contracting Republics agree to deliver up reciprocally the individuals who may take refuge in the territory of one of them and who in the other may have been condemned as authors, accomplices, or abettors of a crime, to a penalty of not less than two years of deprivation of their liberty, or who may have been indicted for a crime which, in accordance with the laws of the demanding country, carries a penalty equal to or greater than that above stated.

ARTICLE II.

Extradition shall not be granted in any of the following cases:

1. When the evidence of criminality presented by the demanding party would not justify, according to the laws of the place where the fugitive so charged is found, his apprehension and commitment for trial, if the offense had been there committed.

2. When the offense charged is of a political character, or, being a common crime, is connected therewith.

3. When under the laws of the demanding country or of that of asylum, the action or the penalty has been barred.

4. If the accused demanded should have been already tried and sentenced for the same act in the Republic wherein he resides.

5. If in the latter, the act because of which extradition is requested should not be considered a crime.

6. When the penalty corresponding to the crime for which extradition is requested shall be that of death, unless the demanding Government binds itself to apply the next lower penalty.

ARTICLE III.

The person whose extradition is conceded, because of one of the crimes mentioned in Article I, shall in no case be tried and punished in the country to which he is surrendered for a political crime committed before his extradition nor for an act which may have connection with a political crime. The attempt against the life of the head of the government or anarchistical attempts shall not be considered a political crime, provided that the law of the demanding country and of the country of which extradition is requested shall have fixed a penalty for said acts. In that case extradition shall be granted, even when the crime in question shall carry a penalty of less than two years of imprisonment.

ARTICLE IV.

The High Contracting Parties shall not be obliged to deliver their nationals; but they must try them for the infractions of the Penal Code committed in any of the other Republics, and the respective government must communicate the corresponding proceedings, information, and documents, and deliver the articles which constitute the *corpus delicti*, furnishing everything conducive to the investigation necessary for the expedition of the trial. This having been done, the cause shall continue until its determination, and the government of the country of the trial shall inform the other of the final result.

ARTICLE V.

If the individual whose extradition is sought should have been indicted or should have been found guilty in the country of his asylum for a crime committed therein, he shall not be delivered except after having been acquitted by a final judgment, and in case of his conviction after he has served the sentence or has been pardoned.

ARTICLE VI.

If the fugitive whose extradition is requested by one of the contracting parties should also have been sought by one or more governments, he shall be delivered in preference to the one first making the requisition.

ARTICLE VII.

Request for the delivery of fugitives shall be made by the respective diplomatic agents of the contracting parties, or in their absence from the country or from the seat of government, it may be made by consular officers.

In urgent cases the provisional detention of the accused may be requested by means of telegraphic or postal communication, addressed to the ministry of foreign relations, or through the respective diplomatic agent; in his absence, through the consul. The provisional arrest shall be made according to the rules established by the laws of the country of which extradition is requested; but shall cease if the request for extradition has not been formally presented within the term of one month following the arrest.

ARTICLE VIII.

The request for extradition shall specify the evidence or foundation thereof which, by the laws of the country wherein the crime has been committed, shall be sufficient to justify the apprehension and commitment of the accused. The judgment, indictment, warrant of arrest, or any other equivalent document shall also accompany the same; and the nature and gravity of the acts charged and the provisions of the penal codes which are applicable thereto must be indicated. In case of flight after having been found guilty and before serving the sentence, the request for extradition shall express these circumstances and shall be accompanied with the judgment only.

ARTICLE IX.

The proper authority shall apprehend the fugitive, to the end that he may be brought before the competent Judicial authority to be examined. If it is decided that according to the laws and the evidence presented the surrender shall be carried out in accordance with this Convention, the refugee shall be delivered in the manner prescribed by law in such cases.

ARTICLE X.

The person delivered can not be tried nor punished in the country to which his extradition has been granted, nor delivered to a third country because of a crime not included in this Convention, and committed before his surrender, unless the Government which makes the surrender consents to the trial, or to the delivery to said third nation.

Nevertheless this consent shall not be necessary:

1. When the accused may voluntarily have requested that he be tried or delivered to the third nation;

2. When he may have been at liberty to leave the country for thirty days, his release having been based on the lack of foundation in the charge for which he was surrendered, or, in case of conviction, a term of thirty days after serving his sentence or obtaining a pardon.

ARTICLE XI.

The expenses of arrest, maintenance, and travel of the claimed person, as well as of the delivery and transportation of the articles which, because of their connection with the crime, have to be returned or forwarded, shall be borne by the demanding Government.

ARTICLE XII.

All the objects found in the possession of the accused and obtained through the commission of the act of which he is accused, or that may serve as evidence of the crime on account of which extradition is requested, shall be confiscated and delivered with his person if the competent authority so orders. Nevertheless the rights of third parties concerning these articles shall be respected, and delivery thereof shall not be made until the question of ownership has been determined.

ARTICLE XIII.

In all cases of detention the fugitive shall be acquainted within the term of twenty-four hours with the cause thereof, and notified that he may, within not to exceed three days counted from the one following that of the notification, oppose extradition, by alleging:

1. That he is not the person claimed;
2. Substantial defects in the documents presented; and
3. The inadmissibility of the request of extradition.

ARTICLE XIV.

In cases where it is necessary to prove the facts alleged, evidence shall be taken, in full observance of the provisions of the law of procedure of the Republic of which extradition is requested. The evidence having been produced, the matter shall be decided without further steps, within the period of ten days, and it shall be declared whether or not the extradition shall be granted. Against such a decision, and within three days following notification thereof, the legal remedies of the country of asylum may be invoked.

ARTICLE XV.

The present convention shall take effect one month after the last ratification, and shall continue in effect until one year after notification of a desire to determine it shall have been given in due form by one of the Governments to the others. In such case it shall continue in force between the others who have not renounced it.

ARTICLE XVI.

Each government shall give notice to the others of the legislative ratification of this convention within ten days at the latest after it has taken place. This advice, by notes, shall be considered as an exchange of ratification without the necessity of any special formality.

Signed at the city of Washington on the twentieth of December, one thousand nine hundred and seven.

LUIS ANDERSON.
 J. B. CALVO.
 ANTONIO BATRES JAUREGUI.
 LUIS TOLEDO HERRARTE.
 VÍCTOR SÁNCHEZ O.
 POLICARPO BONILLA.
 ANGÉL UGARTE.
 E. CONSTANTINO FIALLOS.
 JOSÉ MADRIZ.
 LUIS F. COREA.
 SALVADOR GALLEGOS.
 SALVADOR RODRÍGUEZ G.
 F. MEJÍA.

[Inclosure 10.]

Convention for the establishment of an International Central American Bureau.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, being desirous to develop the interests common to Central America, have agreed to establish an International Bureau that shall take charge of the supervision and care of such interests, and, in order to attain so important an end, have seen fit to conclude a special Convention, and for that purpose have named as Delegates:

COSTA RICA.—Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA.—Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS.—Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angélg Ugarte, and Don E. Constantino Fiallos;

NICARAGUA.—Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR.—Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the Protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

The following Central American interests are recognized as being those to which special attention should be paid:

1. To combine every effort toward the peaceful reorganization of their mother country, Central America.
2. To impress upon public education an essentially Central American character, in a uniform sense, making it as broad, practical, and complete as possible, in accordance with the modern pedagogical tendency.
3. The development of Central American Commerce and of all that may tend to make it more active and profitable, and its expansion with other nations.
4. The advancement of agriculture and industries that can be developed to advantage in its different sections.
5. The uniformity of civil, commercial, and criminal legislation, recognizing as a fundamental principle the inviolability of life, respect for property, and the most absolute sacredness of the personal rights of man; uniformity in the system of custom-houses; in the monetary system, in such manner as to secure a fixed rate of exchange; general sanitation, and especially that of the Central American ports; confidence in the Central American credit; uniformity in the system of weights and measures; the definition of what constitutes real property, in such a firm and unquestionable manner as will serve as a solid foundation for credit and permit the establishment of mortgage banks.

ARTICLE II.

For the purposes hereinbefore mentioned the signatory Governments bind themselves to establish an International Central American Bureau, composed of one delegate from each one of them.

ARTICLE III.

The Presidency of the Bureau shall be exercised alternatively by the members that compose it, the alphabetical order of the contracting States being followed for that purpose.

ARTICLE IV.

The functions of the Bureau shall be all those considered necessary and expedient to achieve the objects placed in its care by the present agreement, and to that end the office shall enumerate them in the rules that it may establish, being empowered to make all provisions of internal regulation that may be conducive to the proper fulfillment of the mission of maintaining and developing the Central American interests that may be placed under its care and supervision.

In order to attain this end the contracting governments bind themselves to lend to the Bureau all the support and protection necessary for the proper fulfillment of its object.

ARTICLE V.

The Bureau shall every six months send to each of the signatory Governments a detailed report of the work accomplished in the preceding half-year.

ARTICLE VI.

The Bureau shall be located in the city of Guatemala, and effort shall be made to install it at the latest on September 15 of the coming year 1908.

ARTICLE VII.

The diplomatic and consular agents of the contracting Governments shall lend all the assistance that the Bureau may ask of them, furnishing it with all the needed data, reports, and information and shall fulfill the commissions and requests that it may see fit to entrust to them.

ARTICLE VIII.

The expenses incident to the maintenance of the Bureau shall be paid in equal parts by the signatory Powers.

ARTICLE IX.

The Bureau shall have an organ of publicity in connection with its work, and shall endeavor to maintain intercourse with other offices of a like nature, particularly with the International Bureau of the American Republics established in Washington.

ARTICLE X.

The Bureau shall be a medium of intelligence among the signatory countries and shall send the respective governments the communications, information, and reports that it may deem necessary for the development of the relations and interests with which it is entrusted.

ARTICLE XI.

The present Convention shall remain in force for fifteen years, and may be extended at the will of the High Contracting Parties.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON.
 J. B. CALVO.
 ANTONIO BATRES JAUREGUI.
 LUIS TOLEDO HERRARTE.
 VÍCTOR SÁNCHEZ O.
 POLICARPO BONILLA.
 ANGÉL UGARTE.
 E. CONSTANTINO FIALLOS.
 JOSÉ MADRIZ.
 LUIS F. COREA.
 SALVADOR GALLEGOS.
 SALVADOR RODRÍGUEZ G.
 F. MEJÍA.

[Inclosure 11.]

Convention for the establishment of a Central American pedagogical institute.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, recognizing it as of the greatest importance and consequence to model public instruction on a spirit of Central-Americanism and to direct it uniformly along the lines which modern pedagogy establishes, and being animated by the desire to make this recognition effective and practical, have decided to conclude a convention, and to that end have named as Delegates:

COSTA RICA: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angél Ugarte, and Don E. Constantino Fiallos;

NICARAGUA: Their Excellencies Doctor Don José Madriz and Don Luis F. Corea; and

SALVADOR: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez Gonzáles, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the Protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

The Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, animated by the desire of establishing a common, essentially homogeneous system of education, which shall tend toward the moral and intellectual unification of these sister countries, have agreed to found, at the expense and to the advantage of all, a Pedagogical Institute, with a division for men and for women, for the professional education of teachers. Costa Rica shall be the seat of the institute.

ARTICLE II.

It is understood that with regard to its staff of teachers, buildings, furnishings, and scientific apparatus the Pedagogical Institute shall be of as high a grade as the best institutes of its class.

ARTICLE III.

The installation, organization, and economical administration, as also the general control of the establishment, shall pertain to the Government of Costa Rica; but the other interested Governments shall have the right, when they consider it expedient, to name a representative on the executive board of the same. The Government of Costa Rica shall communicate annually to the other Governments the progress and condition of the establishment.

ARTICLE IV.

Each Republic has the right to maintain as many as one hundred students in the Pedagogical Institute, fifty of each sex, but shall not send less than twenty of each sex.

ARTICLE V.

The estimate of extraordinary expenses of installation, in which shall be included the buildings, the furnishings, the scientific equipment, the transportation of the professorial staff, etc., having been made, it shall be communicated to the Governments interested, each one of which shall place its respective quota at the disposal of the Government of Costa Rica.

In view of the progressive expansion and development of the Central American Pedagogical Institute, the Government of Costa Rica is authorized to construct special buildings, removed from the great centers of population in cool, healthy places appropriate for intellectual work.

ARTICLE VI.

With regard to the ordinary expenses of salaries, board, administration, etc., they shall be paid to Costa Rica at the beginning of each school year.

ARTICLE VII.

The Pedagogical League hereby agreed to—the first step toward the unification of the systems of education—shall continue in existence fifteen years, and may be extended at the will of the High Contracting Parties.

ARTICLE VIII.

This Convention shall be ratified by means of notes exchanged among the Governments interested; and once ratified, it shall take effect without loss of time.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON.
 J. B. CALVO.
 ANTONIO BATRES JÁUREGUI.
 LUIS TOLEDO HERRARTE.
 VÍCTOR SÁNCHEZ O.
 POLICARPO BONILLA.
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 LUIS F. COREA.
 SALVADOR GALLEGOS.
 SALVADOR RODRÍGUEZ G.
 F. MEJÍA.

[Inclosure 12.]

Convention concerning future Central American conferences.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, desiring to promote the unification and harmony of their interests, as one of the most efficacious means to prepare for the fusion of the Central American peoples into one single nationality, have agreed to conclude a Convention for the naming of Commissions and for the meeting of Central American Conferences, which shall agree upon the most efficacious and proper means to the end of bringing uniformity into their economical and fiscal interests; and to that end have named as Delegates:

COSTA RICA: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angél Ugarte, and Don E. Constantino Fiallos;

NICARAGUA: Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the Protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

Each one of the contracting Governments obligates itself to name within one month, counted from the last ratification of this agreement, one of more Commissions, which shall occupy themselves preferably with the study of all that concerns the monetary system of their respective countries, especially in relation to those of the other States, and interchange amongst them; and, besides, the study of everything relating to the custom-house systems, the system of weights and measures, and other matters of an economic and fiscal nature which it may be deemed expedient to make uniform in Central America.

ARTICLE II.

The Commissions shall present a report within six months after their appointment, and each Government shall communicate such report to the others, inviting them to designate forthwith one or more delegates, in order that they may attend a Central American Conference, which shall be inaugurated on the first of the following January, and shall have for its object the conclusion of a Convention for the purpose of defining the means tending to the accomplishment of the ends to which Article I relates, giving preference to what relates to the monetary system of the five Republics and endeavoring to establish therein a fixed rate of exchange with regard to gold.

ARTICLE III.

Conferences shall be held annually thereafter, which shall open on the first day of January, in order to treat the questions comprised in Article I of this Convention which have not been settled at the previous Conference; and all the other matters which the Governments may see fit to submit to said Conferences.

ARTICLE IV.

The first Conference shall meet at the city of Tegucigalpa on the date indicated in Article II; and when its sessions are over it shall designate the place in which the next Conference shall meet, and so on successively.

ARTICLE V.

The present Convention shall remain in force for five years, but if at the expiration of that term none of the signatory Governments shall have denounced it, it shall continue in force until six months after one of the High Contracting Parties shall have notified the others of its determination to withdraw from it.

Signed at the City of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON.
 J. B. CALVO.
 ANTONIO BATRES JAUREGUI.
 LUIS TOLEDO HERRARTE.
 VÍCTOR SÁNCHEZ O.
 POLICARPO BONILLA.
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 JOSÉ MADRIZ.
 LUIS F. COREA.
 SALVADOR GALLEGOS.
 SALVADOR RODRÍGUEZ G.
 F. MEJÍA.

[Inclosure 13.]

Convention on communications.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, each being desirous to contribute its share towards the realization of the great work of the Pan-American Railway, and, in order to attain so important an end, have seen fit to conclude a special Convention, and to that end have appointed as Delegates:

COSTA RICA: Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angél Ugarte, and Don E. Constantino Fiallos;

NICARAGUA: Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the Protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan, were present at all the deliberations.

The Delegates assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner.

ARTICLE I.

Each Government shall appoint a commission, in order that it may study and propose the most suitable measures to carry out the portion of said work within its own territory.

ARTICLE II.

The commissions, availing themselves of the surveys already existing of the Pan American Railway, and making all others that they may deem necessary, shall submit to their respective Governments detailed reports concerning the number of miles which need to be constructed, the towns and lands which the line should cross, the branches which it is advisable to connect to the principal line, the cost of the different sections, and all the measures that it may deem expedient for the end in view.

ARTICLE III.

The same commissions, when they point out the most suitable measures for the construction of the respective sections, shall suggest, as far as possible, what ought to be done concerning concessions of lands, privileges, tariffs, guarantees, and other points usual in such cases.

ARTICLE IV.

After approval by the Governments, said reports shall be sent to the International Bureau of the American Republics at Washington, so that bids may be solicited, in order to obtain the best conditions in letting the corresponding contracts for the construction of the lines which are considered necessary.

ARTICLE V.

The said International Bureau, together with the Diplomatic Representatives of the five Republics of Central America, shall open said competition, endeavoring in the first place to secure the organization of one or more companies which will construct the sections indicated, and if that be impossible to consolidate and bring to an agreement the different companies that may hold or obtain concessions or contracts directly with the Governments.

ARTICLE VI.

The contracting governments shall come to an agreement with the Government of the United Mexican States and with the Government of Panama concerning everything that may refer to the transit of merchandise and passengers from border to border.

ARTICLE VII.

The commissions shall be appointed subject to the approval of the present Convention, and the report shall be presented within a term of not to exceed six months after said appointment.

ARTICLE VIII.

The present convention shall not preclude the Governments from directly making contracts referring to the construction of railroads in their respective countries; but they must send said contracts to the International Bureau, in view of the consolidation or agreement to which Article V refers.

ARTICLE IX.

The contracting governments, moreover, pledge themselves to make the necessary arrangements to establish and improve the means of communication between the several Republics, such as lines of steamships, submarine cables, telegraph lines, wireless stations, telephones, and everything that may tend to cement their mutual relations.

The existing agreements concerning cable, telegraph, and telephone services shall continue in force so long as the interested Governments deem it convenient.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON.
 J. B. CALVO.
 ANTONIO BATRES JÁUREGUI.
 LUIS TOLEDO HERRARTE.
 VÍCTOR SÁNCHEZ O.
 POLICARPO BONILLA.
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 LUIS F. COREA.
 SALVADOR GALLEGOS.
 SALVADOR RODRÍGUEZ G.
 F. MEJÍA.

[Inclosure 13a.]

Notes on a railway through Central America.

[Presented by the delegation of Costa Rica to the Central American Peace Conference.]

GENTLEMENS We do not think it necessary to state that no matter what resolutions the conference may adopt in regard to the principal subjects embraced within the scope of the most important mission which our several Governments have intrusted to us, one of the main points to be taken into consideration is that of recommending the improvement of both the land and sea communications among the Central American Republics themselves and between these and their neighboring countries and any other States whose relations may foster the development of commerce and other advantages to be derived from the general progress of our respective countries.

The importance of these means of communication, of a railway which will unite all our countries and may contribute through its powerful agency to efface boundary lines and bring our peoples closer and closer together, is not only a want which we all feel, but is a work that can be realized without an effort beyond the means which we are fortunate to have within our reach.

The minister of Costa Rica in Washington has always been of this opinion, and an earnest supporter of the Pan-American Railway project. Upon his return from Mexico, after the Second International Conference, for so many reasons worthy of our recollection, he published a few remarks and data, particularly referring to the share of our countries in that great enterprise, and it was with gratification that we saw that his modest contribution was received with marked favor by the American press.

Not very long ago, while in search of new data, of a new light which might contribute to the realization of the International Railway project between Mexico and Panama, where the opening of the Isthmian Canal by the Government of Washington promises to be an event of the near future for the greatest benefit of the whole world, the minister had the good fortune to receive from Mr. Theodore Paschke, member of the American Society of Civil Engineers, New York, the accompanying document, which is far above and beyond anything we could ever have written on such an important matter.

The distinguished engineer, Mr. Paschke, has lived for many years in Central America. While in Guatemala he directed part of the work on her railroads and now holds a position of great responsibility with the New York subway, which shows that he is a most competent man, whose opinions deserve the greatest consideration and prestige.

We must not omit to state that Mr. Paschke has dedicated the work to which we refer to the memory of Don Guillermo Nanne, a German by birth, and a Costa Rican at heart, not only because of his love for that country, but because his distinguished family was born there. Mr. Nanne is one of those persons whose pleasant personality is forever connected with the memory of the construction of the first railway in Costa Rica and Guatemala.

Mr. Paschke's work is particularly instructive and will no doubt be an excellent contribution to the study of whatever recommendations the conference may decide to make to our respective Governments, and with this end in view, we have the honor to respectively submit this work to our distinguished colleagues in the hope that the data therein contained might be of service.

LUIS ANDERSON.
J. B. CALVO.

WASHINGTON, D. C., *November 20, 1907.*

THE INTERNATIONAL RAILWAY.

When we consider the great influence which the means of communication exercise, not only in the development of the natural resources and other fountains of national production, but also in the moral and intellectual advancement which the widening of the sphere of action affords to man, the great benefits that would result to the American Republics from the construction of a continental railroad become evident.

The enterprise is certainly a colossal one, though it does not in reality present any insurmountable obstacles, and in order to become an accomplished fact it only requires that the project should be taken up with a resolute purpose and properly started.

It is evident that the development of local traffic alone would pay, in the immediate future, the cost of the road, and that the increase of the commercial relations between the neighboring countries would be very rapid, promoting in this manner the general, political, and social welfare of all the nations of this continent, as well as securing a closer union among them, all of which would tend to daily increase the value of capital and the profits thereof.

The progress which Mexico has made in the last few years has naturally attracted the attention of the whole world, and the great impulse given to all her industries demands, for that prosperous Republic, easy means of communication with the contiguous States, where excellent markets are to be found for many of her varied products, which competition on the north carries to said States in the south, as is the case at present—particularly with regard to cotton fabrics and all kinds of leather goods.

It is a fact that the Central American States are constantly progressing; and while the moral advancement is also evidenced by the peaceful condition which they at present enjoy, the development of their manifold and rich sources of production increases daily, thus encouraging new enterprises, the improvement of the existing means of communication, and the construction of other new and important ones.

In the far south, the Argentine Republic rises up as an agricultural rival of the United States of America, while Chile initiates a competition on the Pacific with the steamship companies of the great American nation.

These practical examples of the advancement of the Latin-American countries indicate the activity and progress which they have already reached and show clearly the great importance of the field which they afford to business and enterprise.

Brazil, with her extensive territory; Uruguay, with her favored geographical position; Peru, Bolivia, Ecuador, Venezuela, and Colombia, by the exuberant richness of their soil, all enjoy, in an equal degree, the benefits of progress and civilization.

Therefore the construction of a railway through all these countries will find abundant elements of support already existing and many others which it will of itself create, either owing to the influence of the facilities for local traffic or as a consequence of rapid communication between the different States.

At the First International Conference held in Washington in 1889-90 resolutions were passed for the purpose of carrying out this great enterprise, and as a practical result of the preliminary steps then taken the proper studies of the matter were made by several corps of engineers, who presented an exhaustive report, which is printed with maps and illustrations in seven large volumes.

From these studies it appears that the length of a railroad from New York to Buenos Aires would be 10,471 miles, and that half of this enormous distance is already covered by existing railroad lines.

Referring especially to the first part of this great continental enterprise, it would be an easy task to show that it only requires a slight impulse for its realization in all that portion of the hemisphere lying north of Panama. In fact, the distance of 2,187 miles from New York to Laredo, on the Mexican frontier, that of 839 miles from Laredo to the City of Mexico, and that of 343 miles from the latter city to Oaxaca is covered by railroad lines now in actual operation.

There are at the present time two Mexican railways that approach the Guatemala frontier, one of which runs from Pueblo to Oaxaca on the Pacific slope, and which would require an extension of 400 miles in order to reach said frontier; and the other which extends from Cordoba, a town situated on the line of the Veracruz Railway on the mountain range that slopes toward the Gulf of Mexico. In addition to the lines mentioned, there are other railroads in course of construction that will connect with the Interoceanic Railroad of the Isthmus of Tehuantepec, and, what seems to be of still greater importance in this connection, the Mexican Government has granted a concession, carrying with it liberal subsidies for the construction, within a period of two years, of a railway which, starting from the Isthmus as a branch of the Interoceanic Railway referred to, will extend to the boundary line of Guatemala.

This new development of railways in Mexican territory having been accomplished, the greatest of the difficulties in extending the Intercontinental Railroad will have been overcome by connecting the railway lines of the Central American States, several sections of which can be utilized for the main line.

It will be sufficient to observe in this connection that of the 1,107 miles that a route on the Pacific side will have to cover in Central America from the Mexican to the Colombian frontier there are now constructed and in operation 211.3 miles of track, particularly in Salvador and Nicaragua, where the longest railroad lines follow in the greater part of their course a direction generally parallel to that of the coast.

In Guatemala there is a railroad extending from the port of Ocos to the village of Ayutla near the Mexican frontier, and the lines constructed in this and the other Central American Republics aggregate a little less than 1,000 miles, viz:

	Miles.
Guatemala -----	342
Salvador -----	132
Honduras -----	50
Nicaragua -----	176
Costa Rica ^a -----	222

But in Costa Rica, Guatemala, and Honduras the principal railway lines follow a transverse direction, because they run from the interior to the ports. Nevertheless, branch lines are being constructed in the three countries mentioned which, within a short time, will not only be able to add considerable

^a Since that time considerable progress has been made in the extension of the railroad lines in Costa Rica, Guatemala, Nicaragua, and Salvador.

The Guatemalan Railway to Puerto Barrios, on the Carribbean Sea, runs so near the Salvadorean frontier that very soon the two countries will connect their lines, thus aiding in a most substantial way the progress of the Central American Railway.

length to the part of the system already completed, but will also insure in this manner the guaranty of success for an intercontinental railway by the consequent increase of traffic that will always result from the greater number of their connections.

Such favorable conditions did not exist in Mexico when the construction of the first railway between the United States and that Republic was projected. The undertaking was not favored by the public, because it was thought that it would not be profitable, and to-day—twenty years having scarcely elapsed—there are three railway lines in constant operation, fed by the growing commerce between the two nations. These iron highways, as a natural consequence, promote the mutual development of interests, and encourage at the same time the construction of other railways with which they will connect. There is, then, no reason to doubt, in view of these premises, which are palpable facts, that the extension of railways to the south will produce equally as good, if not better, results to capital, exclusive of the beneficent moral influence they will exert on the future of the nations of this continent.

The realization of the plan for uniting the two great oceans by a canal across the Central American Isthmus between Costa Rica and Nicaragua seems near at hand, and if, as it is reasonable to hope, the execution of the same is speedily decided upon, the northern section of the Intercontinental Railway will thereby greatly increase in importance.

At the Second International Conference, held in Mexico from October, 1901, to January, 1902, it was resolved to ratify the resolutions of the first conference, held in Washington, and to recommend, among other things, that the Government of the United States of America initiate, by means of the diplomatic representatives of the American Republics accredited in Washington, the measures most appropriate for the sending, within a year, of commissioners to report upon the railways already completed and the concessions that the respective governments will grant for the construction of a continental railway.

At the present time this idea is greatly favored, and it can be expected that with a new impulse it will soon become an accomplished fact.

May it be so for the welfare of the American Republics.

J. B. CALVO.

WASHINGTON, D. C., *April, 1902.*

OUR DUTY TOWARD CENTRAL AMERICA.

At every recurring family quarrel taking place regularly within relatively short periods among our Central American friends and neighbors, the question "What is to be done with Central America?" presents itself to the average observant, thinking American, and no satisfactory solution of the problem can be found in any utterings of the country's press.

To be sure, a Central American union or confederation suggests itself immediately in considering the question as the only rational remedy to be sought to apply. There is no dispute about the correctness of this—everyone admits it, even the Central American, be he a dweller in Guatemala or Costa Rica, in Salvador, Nicaragua, or Honduras. Yes, it is safe to assume that the highly patriotic desire to bring about such a confederation has been the secret driving spring of many of the fraternal conflicts which have been witnessed for the last seventy-five years.

Why, then, do the many attempts to establish a Central American union prove such abortive failures?

It is because they have their origin in the ambitious spirit of some particular, limited locality for the complete domination of the whole; the other localities resent this, and the result is strife and ultimate failure. It is because the proper foundation is lacking whereon a union edifice may be constructed and rest secure against the undermining influences of local dissensions. This, then, is the first duty of the architect who would undertake to construct a union out of the five separate Commonwealths in Central America.

It is the object of this paper to point out how such a foundation may be constructed on lines which are in keeping with the traditions and avowed policy of the United States Government.

There is nothing new in the proposition; in fact, the ground has already been cleared and the outlines of the foundation traced out, and even the excavation for it started by one of the foremost architects of his time in that line, the late Hon. James G. Blaine.

It is entirely proper, and the present time a fitting opportunity for the constructive activity of our administration at Washington, that this work of laying the foundation for a Central American union be resumed and brought to completion.

There can be no question that the establishment of a "community of interest" among the five Commonwealths of Central America, something which is tangible to the paramount interest of each and every one of them, would offer the best foundation possible for a union.

It is only necessary to point to the project of an intercontinental railway to see how readily in connection therewith such a "community of interest" may be established. A line of railways constructed on the location of the intercontinental railway project, extending from Mexico through Central America, having for its southern terminal the city of Panama, would establish an all-rail communication from the United States to the Panama Canal; certainly a desirable line to have, from whatever standpoint it may be contemplated. And if this railway line is controlled by one corporation (American), in the management of which each one of the five Central American Commonwealths would have an active interest, it would certainly form a naturally broad and firm foundation on which the confederation would surely grow up spontaneously and rest securely for all time to come. It would not only establish a community of interest among the Central American Republics, but it would include in this community the United States and Mexico as well.

A practical line and method of procedure for the accomplishment of the object in view is suggested in the several paragraphs following:

First. A company to be organized under the laws of the United States for the purpose of establishing a through-rail communication along the southern boundary line of Mexico across the countries of Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, and part of Panama to the city of the same name.

Second. The company to recognize and accept as the guiding spirit in shaping its policy the general principles recommended by the committee on railway communications in their report to the International American Conference, and accepted by that body at a meeting held in the city of Washington on the 26th day of February, 1890.

These general principles, as far as they represent a living force, are for convenience sake here reproduced, as follows:

"First. That a railroad connecting all or a majority of the nations represented in this conference will contribute greatly to the development of cordial relations between said nations and the growth of their material interests.

* * * * *

"Fifth. That the railroad, in so far as the common interest will permit, should connect the principal cities lying in the vicinity of its route.

"Sixth. That if the general direction of the line can not be altered without great inconvenience, for the purpose mentioned in the preceding article, branch lines should be surveyed to connect those cities with the main line.

"Seventh. That for the purpose of reducing the cost of the enterprise, existing railways should be utilized as far as practicable and compatible with the route and conditions of the continental railroad.

"Eighth. That in case the results of the survey demonstrate the practicability and advisability of the railroad, proposals for the construction either of the whole line or sections thereof should be solicited.

"Ninth. That the construction, management, and operation of the line should be at the expense of the concessionaires, or of the persons to whom they sublet the work, or transfer their rights with all due formalities, the consent of the respective governments being first obtained.

"Tenth. That all materials necessary for the construction and operation of the railroad should be exempt from import duties, subject to such regulations as may be necessary to prevent the abuse of this privilege.

"Eleventh. That all personal and real property of the railroad employed in its construction and operation should be exempt from all taxation, either national, provincial (state), or municipal.

"Twelfth. That the execution of a work of such magnitude deserves to be further encouraged by subsidies, grant of land, or guarantees or a minimum of interest.

* * * * *

"Fourteenth. That the railroad should be declared forever neutral, for the purpose of securing freedom of traffic.

"Fifteenth. That the approval of the surveys, the terms of the proposals, the protection of the concessionaires, the inspection of the road, the legislation affecting it, the neutrality of the road, and the free passage of merchandise in transit should be (in the event contemplated by article eighth) the subject of special agreement between all the nations interested."

(Articles Nos. 2, 3, 4, 13, and 16 are omitted in the above for the reason that the object to which they refer, i. e., the preliminary surveys, has been carried out and accomplished, which makes them at this date a dead letter.)

Third. The company to acquire control, either by lease or purchase, of all such existing railway lines, which will become parts of the main trunk line of the Intercontinental Railway.

Fourth. The company to construct such additional new parts of the proposed railway system as are necessary for the accomplishment of the object in view. The surveys heretofore made under the direction of the intercontinental railway commission to form the basis for future operations in this direction.

Fifth. The Governments of the countries named in paragraph No. 1 to grant the necessary and usual concessions to the railway company, embodying the free right of way through public lands, for the construction of the new parts of the railway through their respective territories.

Sixth. The said Governments to give further material aid for the construction of such new lines in the shape of subsidies and grants of land; in return for which the railway company to issue in favor of each corresponding government a proportionate amount of its capital stock, all as may be mutually agreed upon.

Seventh. The Government of the United States to assure the prompt carrying through of the enterprise by guaranteeing a reasonable minimum of interest on the capital invested in the enterprise.

Eighth. Each of the aforesaid Governments to have the right to name one representative in the board of directors of the railway company. Such representatives to receive a fixed annual salary to enable them to make their residence within easy access of the place of meeting.

Ninth. The principal office of the railway company to be located in the United States at a point in accordance with the requirements of its charter.

A vice-president of the railway company, who shall also be the general manager, to have offices and residence at some convenient city in Central America, with suboffices at the seat of government of each of the countries traversed by the railway.

Tenth. The initial steps for the enlistment of the cooperation of all the countries interested in the realization of the project should be taken jointly by the Government of the United States and that of Mexico.

To show the financial requirements for the realization of the project the following table, furnishing certain data taken from the reports of the Intercontinental Railway Commission, is given:

Intercontinental Railway—Central American Division.

Location.	Miles—		Cost for grading, masonry, and bridges.	Average cost per mile.
	Built.	To be built.		
Across Guatemala:				
Ayutla to Caballo Blanco.....		26.2	\$324,518	\$12,386
Caballo Blanco to Santa Maria	84.1		893,536	14,769
Santa Maria to Rio Paz		60.5		
Total.....	84.1	86.7	1,228,054	14,164
Across Salvador:				
Rio Paz to near Acajutla		26.5	255,196	9,630
Near Acajutla to San Salvador	64.0			
San Salvador to San Vicente		42.2	1,157,433	51,124
San Vicente to San Miguel		62.0	798,104	12,792
San Miguel to Rio Guascoran.....		36.1	781,901	21,659
Total.....	64.0	166.8	3,987,634	23,907
Across Honduras:				
Rio Guascoran to Rio Negro		71.7	1,108,697	15,463

Intercontinental Railway—Central American Division—Continued.

Location.	Miles—		Cost for grading, masonry, and bridges.	Average cost per mile.
	Built.	To be built.		
Across Nicaragua:				
Rio Negro to Chinandega.....	103.4	38.0	\$598,960	\$15,762
Chinandega to Granada.....		68.3	907,390	13,285
Granada to Pena Blanca.....				
Total.....	103.4	106.3	1,506,350	14,170
Across Costa Rica:				
Pena Blanca to Liberia.....		52.5	1,167,430	22,237
Liberia to Boca Savegre.....		157.5	3,820,000	24,254
Boca Savegre to Rio Golfito.....		150.0	3,353,487	22,356
Total.....		360.0	8,340,917	23,169
Across part of Panama:				
Rio Golfito to David.....		59.6	955,353	16,029
David to city of Panama.....		274.4	4,657,280	17,009
Total.....		334.0	5,612,633	16,804
	251.5	1,125.5	20,784,285	18,467

By deductions from the data in the table the salient features of the project will appear as follows:

Total length of railway line from the southern boundary of Mexico to the city of Panama will be 1,377 miles, of which 251.5 have been built and 1,125.5 are to be built.

The cost of the new construction of the railway line is estimated by the commission's engineers for grading, masonry, and bridges at \$18,467 per mile. This figure should be augmented by about 12½ per cent to cover contingent, engineering, and administrative expenses, which would bring the average cost in round numbers to \$21,000 per mile.

Adding for cost of superstructure, full equipment, and rolling stock the sum of \$19,000 per mile, we get the entire cost of the new construction to be \$40,000 per mile.

The total cost of the project will then be as follows:

1,125.5 miles new construction, at \$40,000.....	\$45,020,000
130 miles of sidings, at \$20,000.....	2,600,000
Widening the gauge of present constructed lines to standard gauge	
251.5 miles, at \$10,000.....	2,515,000
Total cost of main line.....	50,135,000

In addition, two branch lines should have to be constructed, one in Honduras to connect with the capital, Comayagua, length 75 miles, and the other in Costa Rica, to connect with the existing railway line at Alajuela, which connects with the capital, San Jose, the length of which will be about 25 miles, making in the aggregate 100 miles more.^a The construction of these branch lines would have to be estimated at an average cost of \$65,000 per mile, owing to the more difficult character of the country encountered in ascending the slopes of the mountain plateaus on which these cities are located. This will swell the total amount of capital required, in round numbers, to \$56,000,000.

The Pacific slope of Central America embraces within its confines some of the best and richest agricultural lands of the continent north of the Isthmus of Panama. It is here where most of the coffee, sugar cane, and cocoa plantations of the Central American countries are located; where these products are grown to the greatest perfection. It is here where the fountain of all wealth of these

^a As regards Costa Rica, it is to be observed that the construction of the railroad from San Jose, the capital, to Puntarenas, on the Pacific coast, is now almost finished, and that in a few months traffic will be opened thereat, thus completing the Costa Rican Interoceanic Railway between said port of Puntarenas and Port Limon, on the Caribbean Sea.—J. B. C.

countries is located. This "coffee zone," as it is generally known, occupies the Pacific slope of Cordilleras between elevations of 1,000 to 5,000 feet above sea level. It reaches its greatest width and unbroken continuity through the western part of Guatemala, where the belt is about 70 miles wide, extending well into the Mexican state of Chiapas. Through the eastern part of Guatemala, Salvador, Honduras, Nicaragua, and Costa Rica the belt, which diminishes and varies in width, is less continuous, somewhat broken by outrunners from the Cordilleras, which show more of an arid character; however, its many valleys possess all the richness of soil and climate of the "Costa Cuca" in western Guatemala. It is through this zone, or rather at the foot of which, the proposed railway line has been located by the intercontinental railway commission. With the intercommunication which this line would afford throughout the length of this zone, there is sufficient traffic in sight from local sources (short-haul freight and passengers) to sustain the life of the railway with decided healthful vigor from the very start, leaving alone any through traffic, which will surely more or less develop from the United States and Mexico to the Canal Zone. The further development of the great natural resources, not only of the "coffee zone," but of the whole Central American territory, which will surely follow the opening of this line, will insure its prosperity in the near future beyond peradventure.

More, the Intercontinental Railway of Central America will be the key to unlock the gates of the hidden treasure house which nature has so lavishly provided with the products of a most favored zone.

In conclusion, the writer would touch upon another feature, inherent to the project and capable of being developed into an exceedingly strong characteristic of the undertaking.

It is this: The line of the projected railway lies along the foot of the Pacific slope of the Central American Cordilleras. In its course it traverses numerous streams which are fed from the high plateaus of the Cordilleras. The more important of these streams, which are crossed at short intervals, will furnish an abundance of electric power, not only sufficient to operate all railroads existing and to come, but to furnish light and power for every conceivable and needful purpose in these countries.

From the moment that a company composed of the right elements for the purpose in view is organized and negotiations begun, all fraternal strife between the five Central American Republics would cease, their attentions would be directed by their larger sisters of the north to a rising dawn, promising to shed its golden light in common over all. During the construction of the road their surplus energy would be attracted and employed in a work of common interest to all. At the conclusion of the work and the opening of the road there will be general manifestations of congratulations and good cheer and good will toward each other. Once the railway line as a whole is in active operation, the practical unification would be an accomplished fact.

The steel rails of such a line would indeed be veritable bands of steel holding together with an unremitting grip the five Central American States into one of unity, as compared with the fasciated bundle of slender rods with the battle-ax, popularly accepted as the emblem of the ancient device of "In union there is strength."

Our own interest at Panama, in opening new and extending old trade channels in the existence of peaceful and stable conditions in Central America, combined with our duty toward common humanity, demands that the construction of this first section of the Intercontinental Railway be taken in hand at once. The present time seems opportune indeed for the initial move for the accomplishment of the project; its realization would certainly write another chapter in the history of practical achievements toward the goal of Pan-Americanism.

THEODORE PASCHKE,
M. A. Soc. C. E.

NEW YORK, April, 1907.

[Inclosure 14.]

Remarks made by Dr. Angel Ugarte, of Honduras, when presenting his motion for a general amnesty of political prisoners in Central America, at the session of the conference held on December 5, 1907.

DELEGATES: From the moment this conference was announced I felt that one of the practical ends that we might attain would be a reconciliation of the Central American family, not alone in their international relations, but in those

between our citizens and their respective governments. I think now, as then, that it is time we should show the world a spirit of generous humanity, of conciliation, and of forgetfulness of the bitterness and differences we have had in political life.

Upon the meeting of the conference I had the satisfaction of hearing in this chamber the authorized voice of Ambassador Creel asking from us a declaration, which we made with the greatest satisfaction, that there existed at the present moment no claim of any kind pending between the different Republics of Central America; a declaration which was without doubt a brilliant opening in our labors.

Inspired to-day with the same ideas of fraternity, I think that if it has been possible to terminate disputes between our governments solely by the good will of the public men who preside over the destinies of Central America, harmony between these and their respective citizens could with much greater reason be reestablished. The means by which the noble object can be attained is through a decree in each of our Republics of an absolute and unconditional amnesty for all political refugees and offenders and for offenses connected therewith. Quiet being already established in our countries, the normal course of the work of this conference and public expectation with regard thereto presents a most opportune occasion to accept the proposition which I have the honor to submit, that the conference by acclamation approves the motion authorizing the president of the conference to urge our respective governments to issue such a decree.

I have the well-founded hope and belief that at the close of the conference our brothers of Central America will enjoy complete liberty; and for the greater aid in this step I ask equally that when this motion is approved our honorary presidents, the Secretaries of State of the United States of America and Mexico, be officially advised thereof.

[Inclosure 15.]

Address of Dr. Don Luis Anderson, president of the conference, at the closing session.

When I look back to the day we first met under the roof of the International Bureau of the American Republics—a month ago—and see the work we have accomplished, I feel that all my fears that we would have a long struggle were unfounded. I found that all the Central American delegations came inspired with an earnest and sincere brotherly feeling to accomplish something lasting and of mutual benefit.

It can not be said now, as it was said before, that all our treaties had been written in water, as we intend to show the world, and particularly the Governments of the United States of America and the United Mexican States, for whom our gratitude and that of our peoples for their timely and humane mediation at a difficult moment in our lives shall be everlasting, that our purpose is steadfast, that our good faith has been pledged, and that our names have been written on documents which are the foundation of a new era of peace, happiness, and plenty for the Central American Republics.

All differences, all obstacles, all barriers to our happiness and prosperity have been wiped out and the new Central American brotherhood established upon a sound foundation.

The thanks of the conference are due to the Presidents of our sister nations of the north, at whose friendly advice we have met, and special thanks should be given to the Hon. Robert Bacon, who was Acting Secretary of State at the time of the signing of the treaty of Washington, and to the different Central American legations accredited to the United States, who have shown such zeal and liberal spirit in carrying out the instructions of their respective Governments.

Our gratitude to the honorable the Secretary of State, Mr. Root, and to his excellency the Mexican ambassador, for their untiring efforts on behalf of Central American peace will last as long as our respective countries exist.

We carry within ourselves that pleasant memory, and we will see to it that our countrymen will never forget it—passing it on from generation to generation.

[Inclosure 16.]

Remarks made by the Mexican ambassador at the last session of the conference.

HONORABLE SECRETARY OF STATE AND HONORABLE DELEGATES: The Central American Peace Conference marks in the world's history two events of great importance. As far as five Republics of the American continent are concerned, it is the happy beginning of a new era. It is the symbol of peace and of justice, to which a noble and generous race is rightly entitled. It is the historic moment when Central America finds the right path, which will lead it on to a prosperous destiny. As far as the world is concerned, it is the organization of an international court which brings hopes for universal peace. Its success must be interesting to all the nations of the globe.

These two causes could not be more noble, more altruistic, more humane. This is the judgment of the Mexican Government.

It is with great pleasure that I am going to read the messages sent to and received from the department of foreign relations. You will find reflected therein the opinion of my Government and its great interest as to the future of the five sister Republics.

AMBASSADOR CREEL TO THE MEXICAN MINISTER FOR FOREIGN AFFAIRS.

WASHINGTON, *December 16, 1907.*

It is with great satisfaction that I communicate to the department that the Central American Peace Conference has approved the following conventions: A general convention of peace and amity, another creating a high court of justice in Central America, one for extradition; another for yearly conferences to render uniform their monetary systems, tariffs, weights, and measures; another concerning railways, telegraphs, and telephone lines; another relative to a pedagogical institute in Costa Rica; another relative to the Bureau of the Central American Republics in Guatemala. Recommendations were also adopted to grant amnesty to political prisoners. The conventions contain high and equitable principles which will constitute the basis of international law in Central America. The permanent court of justice shall decide all international questions without any exception, and will be the first court of this very high jurisdiction that is to be organized in the world. I congratulate the President and the minister of foreign affairs for their friendly mediation in this good work on behalf of peace and cordial relations.

CABLE INSTRUCTIONS FROM THE MEXICAN MINISTER FOR FOREIGN AFFAIRS TO THE MEXICAN AMBASSADOR.

Under special instructions from his excellency the minister of foreign relations of Mexico, I have the honor to inform the conference that it was with the greatest satisfaction that His Excellency the President of the United States of Mexico heard of the brilliant success attained by this conference; that said chief magistrate considers the organization of a Central American court of justice of great and far-reaching importance, as likewise the spirit of accord, peace, and harmony which has inspired all the acts of the conference and has entered into the very core of their conventions; that he congratulates their excellencies the delegates and through them the peoples and Governments of Central America for their patriotic and intelligent labors, and hopes that peace, ever fruitful and blessed, shall be everlasting and be firmly consolidated in those sisters Republics.

He likewise congratulates His Excellency the President of the United States of America and his distinguished Secretary of State for their noble and altruistic cooperation.

[Inclosure 17.]

Address of the Secretary of State, Hon. Elihu Root, declaring the Central American Peace Conference of Washington closed, December 20, 1907.

I beg you, gentlemen, to accept my hearty and sincere congratulations. The people of Central America withdrawn to a great distance from the scene of your labors may not know, but I wish that my voice might reach each one of them

to tell them that during the month that has passed their loyal representatives have been doing for them in sincerity and in the discharge of patriotic duty a service which stands upon the highest level of the achievements of the most advanced modern civilization. You have each one of you been faithful to the protection of the interests of your several countries; you have each one of you exhibited patience, kindly consideration, regard for the rights and feelings of others, and a willingness to meet with open mind the opinions and wishes of your fellow-countrymen; you have pursued the true method by which law, order, peace, and justice are substituted for the unrestrained dominion of the strong over the weak, and you have reached conclusions which I believe are wise and are well adapted to advance the progress of each and all of the Central American Republics toward that much to be desired consummation in the future of one great, strong, and happy Central American Republic. May the poor husbandman who cultivates the fields of your five Republics, may the miner who is wearing out his weary life in the hard labors of your mines, may the mothers who are caring for the infant children that are to make the peoples of Central America in the future, may the millions whose prosperity and happiness you have sought to advance here, may the unborn generations of the future in your beloved countries have reason to look back to this day with blessings upon the self-devotion and the self-restraint with which you have endeavored to serve their interests and to secure their prosperity and peace. With this hope the entire body of my countrymen will join, and with the expression of this hope I declare the Peace Conference of the Republics of Central America, convened in the city of Washington in this year 1907, to be now adjourned.

[Inclosure 18.]

Argument supporting the Honduras project for a Central American union, submitted to the conference by their Excellencies Señor Fiallos, of Honduras; Doctor Bonilla, of Honduras; and Doctor Madriz, of Nicaragua.

OBSERVATIONS OF HIS EXCELLENCY DON E. C. FIALLOS.

HONORABLE DELEGATES: Permit me, in relation to the project with which we now occupy ourselves, and which I do not hesitate to consider of vital importance for the future of our peoples, to briefly express some of the ideas that, as a Central American, I hold concerning the bearing the resolutions of this conference must have in order to practically aid and satisfy the noble desires of the mediators who have invited us to deliberate.

From the elevated viewpoint on which we find ourselves united in the shadow of the Capitol of Washington, we can not but contemplate Central America in its important historic and geographic make-up, just as their excellencies the Presidents of the United States and Mexico regard it and as the former Central American statesmen consider it, the patriots who struggled to bequeath us a country, great and respectable, such as the youth, covetous of peace and justice, desires, which clamors for peaceful redemption, for the beneficent evolution so long hoped for in order that the latent energies of progress may be unfolded, and in order to enter into the enjoyment of the fruits of modern civilization.

Thus alone can we properly appreciate in the records of the past the causes that have retarded our progress; thus only shall we be able to find now the desired solution for our future welfare.

During three centuries of Spanish dominion the provinces of the Isthmus remained united under the rule of the captaincy-general of Guatemala. At the opening of the nineteenth century the bonds that united them to the mother country and held them united among themselves being broken, there began the era of discord and fratricidal wars in which we have lived up to the present. If from that time the union of the provinces under a single government had been maintained, Central America would to-day undoubtedly be one of the happiest countries of the earth. But the federation of the Republic could not be effected. Discord opened a broad field for the ambitious of power in each State. And thence it was that the personalist factions and military commands took the ascendancy in the destiny of those peoples. In consequence thereof governments have succeeded each other with such notorious irregularity that it is now the rule that governments de facto must be recognized, while they maintain themselves by force, some in defiance of public opinion, or others struggling against unjustifiable revolutions.

It is painful to confess it, but it is useless to attribute to other causes the wars that have afflicted our peoples.

Those which in Central America have appeared to be international wars have been nothing but internal wars of a State that have crossed its borders. The proof of it is that there has not been a single case of territorial conquest or of any indemnity claimed by the conqueror. A stronger proof still is the fact that between two or more sections of the same State there exists profound divisions and political rancors, difficult to blot out, while the peoples of different States treat one another with entire fraternity.

Therefore, if civil conflicts are what have devastated our soil, have consumed our vital energies, have divided our families, and have maintained the constant emigrations, which in their turn have occasioned the armed intervention of neighboring governments, it is in the cause of these strifes that we must seek a radical remedy.

Since the labors of the conference began we had, with merited applause, to note that there were no pending differences to be adjusted between the Governments of the Central American Republics. And for disagreements that may in the future arise, it has already been solemnly stipulated that they shall be decided by means of the high court of justice, whose just and unappealable judgments will maintain perpetual harmony and good neighborly feeling among them for the five Republics.

Given the conditions of respectability and good faith that have concurred in the formation of the treaty relative to the establishment of the court, and no one will dare to doubt but that it must produce the immediate results that are hoped of it. And it can be further assured that, without going out of the purely international sphere of action that has been assigned it, the court will exercise, by the mere fact of its existence, a beneficent influence upon the internal conflicts of each State.

But, proceeding with loyal frankness, we must agree that if it is indeed true that by the creation of that court we have taken a most advanced step toward the well-being and the good name of the countries that we represent, by this step alone we have not assured the positive and fruitful peace of Central America.

The aspiration of our peoples and the earnest desire of the United States and Mexico is that constitutional peace reign over every foot of our soil and not merely along the frontiers; that in the midst of order and harmony we shall busy ourselves in building up our prosperity; that under the protection of the laws we may open the portals to progress in all its manifestations; that we shall inspire confidence and give effective guarantees to foreign capital, so that it may come to develop our tropical agriculture, our mineral deposits, and, opening means of communication, will place us in commercial contact with our neighbors on the north.

Relying on the intimate knowledge we have of the nature of our peoples and of our governors, confirmed by the history of almost a century that we have enjoyed of independent life, we must foresee that in the future serious conflicts will arise in the interior of the States and that until a method of settling them be found by rational and efficacious means they will give rise to new internal strifes.

I admit, of course, that the political problems and internal rule of the Central American Republics ought not to be the subject of present consideration before this assembly, except in so far as this policy and this rule relate to the general peace that we have succeeded in establishing.

In this sense, and obeying impulses of the most sincere patriotism, I make known here the profound conviction that continual political deceptions have rooted in my mind, that the union of the five Republics in one single nation becomes necessary as the only saving means that is to lead our peoples without new obstacles or anxieties along the same path of progress that has led the United States and Mexico to the height of prosperity they now enjoy.

So long as the governing classes of our communities maintain themselves in power in the small Republics and the greater part of the national revenue is consumed in maintaining a grand government personnel and a numerous army, those Republics can not reach the stage of advancement that, by their geographic position and their great natural resources, they should attain, nor will they cease to figure before the other nations in the humble position which to-day they occupy as political entities.

The democratic institutions which we should so much desire to see founded and respected in Central America will continue in danger of being overthrown, so long as the sword of a local chieftain can predominate over law.

Right here we have recognized that danger in making special dispositions relative to political refugees which we still foresee in the future.

We have likewise foreseen the uncertain or arbitrary actions that one Government may commit in its international relations, and we have rejected the union of the other Central American Governments in the presence of such uncertainties.

All of which is going to show the necessity of seeking in the fusion of the five present Republics the establishment of a stable nationality constituted with the elements chosen from all of them; the creation of a great fatherland ruled by a government of true statesmen of Central American patriots who are above the paltry regional influences; who, inspired by the teachings of the great Hamilton, will mark out a healthful and practical course for our compassless politics; who will organize our finances under a rational plan and give a vigorous impulse to instruction, agriculture, and industry.

It is a very much worn argument that our peoples are not prepared for union. This the separationists have been saying ever since they dissolved the federation some seventy years ago. What the Central American peoples are not prepared for is to live ununited with unlimited autonomy. Tired of fruitless combats, and impoverished by the contributions to so many wars, they would not only receive the union as a saving measure, but it would be perhaps the only cause for which they would fight, if it were necessary, with conviction and enthusiasm, to conquer in favor of the new generations the peace and prosperity they have not been able to enjoy.

The Central American youth is, as you well know, an indefatigable promoter of the federation. To this youth belongs the future, and it should be heard. In its name, and because of a special mission that I hold, I make known here the sentiments that it cherishes in favor of the prompt and glorious reconstruction of the "Republic of Central America."

E. C. FIALLOS.

ARGUED VOTE OF THE MINORITY.

GENTLEMEN OF THE CONFERENCE: The report of the majority of the commission regarding the project of Central American union, which project was offered by the delegation of Honduras and supported by that of Nicaragua, having been submitted to vote, these delegations deem it their duty to lay before the conference their argued vote against said report, so that, according to Article XVI of the rules, it be added to the day's minutes.

The delegations of Nicaragua and Honduras take this position in obedience to their positive convictions in compliance with special instructions received from their Governments, and in observance of the precept embodied in Article I of their respective constitutions.

It is imperative that on such an occasion as this they should not fail to attest in a public manner their fidelity to an idea, which, as stated in the report laid before the conference, "represents the noblest and grandest aspiration of patriotism."

This aspiration is not merely an ideal, but is the fundamental basis of our political existence, acknowledged and declared in several of our constitutions, as in Article II of the constitution of Guatemala, in Articles CLI of that of Salvador, and in Article I of those of Nicaragua and Honduras. As to Costa Rica, it is but necessary to turn back to the declaration contained in its constitution of January 21, 1847, which sets forth that Costa Rica forms a part of the Central American nation and will cooperate toward its reorganization in conjunction with the other States. Although that constitution is not now in force, the declaration therein contained is morally subsistent, for Costa Rica has always acknowledged its solidarity with the other Central American States.

In corroboration of this, we need only to recall that scarcely a year ago, at the conference held at San José, Costa Rica, presided over by Dr. Don Luis Anderson, a declaration which reflects great credit on the conference was included in the minutes of its third session, as follows: "The contracting governments acknowledge as principles of Central American public international law, among others, the following: II. The community of interests with reference to the sovereignty and independence of Central America, considered as one unit nation." And in the minutes of the fourth session is the following declaration: "As Central American interests to which (the contracting parties) must devote preferent attention are likewise acknowledged in the fol-

lowing: I. To cooperate with all its efforts toward the peaceful reorganization of the Central American fatherland."

This happy declaration has been adopted by our conference and accepted as a fundamental principle of our conventions.

In support of our assertion there are many documents that we could adduce. Laws, conventions, messages, reports, proclamations, nearly all our public acts with reference to the general relations of Central America, are inspired in the sentiment of unity, in the consciousness of a common destiny of our peoples, in the aspiration to form with the States now detached a nation capable to assume the responsibility of its destinies in the world.

The text of the report of the majority is as follows:

"The conditions and circumstances existing among the peoples of the Isthmus are not now propitious to immediately decree the national reconstruction which, to be solid and permanent, must be based upon the knitting together of the economic, moral, material, and sociological elements which are to be harmonized. They do not deem it opportune, therefore, that the present conference should consider the proposition for an immediate union of the Central American Republics, but only the measures necessary to prepare in a stable manner for such union by the improvement of communications, the establishment of a coastwise trade, the drawing together of the economic and social interests of the people, the unification of the laws and of taxation and of customs systems, and the encouragement of periodical reunions of Central American conferences representing the five Republics. * * * It is impossible to pass quickly from strife to a peaceful and sincere union."

Such words, especially the latter ones, seem to denote that our recent discords have left deep resentment in the minds of the Central American peoples. We would deplore that such were the case, that our dissensions should have broken the ties that have linked our destinies in bygone times and that ought to unite them still closer in the time to come. Happily, the undersigned do not entertain such a view, but on the contrary believe, as so ably stated by Mr. Anderson, that "Central American wars have never been armed conflicts between peoples, but between governments," and now that a reconciliation has been effected, calming down past resentments, circumstances have again become propitious for working earnestly in favor of the national restoration.

The President of Nicaragua, in this regard, has given us a proof which we can not pass in silence. We refer to a cablegram received from him on November 22 last, worded as follows: "To attain union I am ready to relinquish power, if necessary, as I promised President Diaz." This proof of exalted patriotism needs not our eulogy to extol the name of its author. The Nicaraguan delegation lays it before the conference, so that it may be considered for what it is worth for the present, in order that it may serve as a pledge for the future and that the Nicaraguan people may be judged by the spirit of its ruler.

Moreover, the President of Honduras has made the same promise, through his delegation, as stated in the project submitted to the conference in the second session of November 18 last.

A grievous error is committed in holding that the organization of a nation and the framing of its constitution require uniformity between the parts as a whole. Nothing is more inexact. In contradiction of such an opinion we have a very notable example, viz, that of the Constitution of the United States of America. History records what took place in the Philadelphia convention of 1787; that the States of the first Confederation were at variance on details of vital moment. There was among them opposition of interests, of political tendencies and reciprocal jealousies in matters of predominance. Some States had their social status organized according to democratic principles; in other States a powerful aristocracy reigned supreme; some were agriculturists; others were devoted to industrial pursuits; some favored slavery, and others had marked aversion for it. There existed real moral antagonism, as a writer says, between the institutions of the South and those of the North, and it suffices, to judge the magnitude of this discord, to remember that nearly a century later the question of national union had to be settled by recourse to war.

Notwithstanding this fact, the Philadelphia convention did not entertain the same opinion as our committee. Believing that all those differences were not incompatible with the political union, it devoted its efforts to find a rule of law to harmonize all opposing tendencies, systems, and interests, and to attain the prevalence of the Union over all opposition. This rule happily established, after constant and patriotic efforts, is the celebrated Constitution which has given to the world the greatest republic in history.

What differences can there be more essential than those of race, tongue, and religion? Nevertheless Switzerland, which has different races, tongues, and religions, is one of the best organized and freest countries in the world.

It is not necessary to make the laws of the States uniform to prepare the union, as insinuated in the report of the majority. In Switzerland each Canton has its code; in the United States of America there can be no greater variety than is found in the individual legislations of the States. And it must be borne in mind that in both countries the laws are linked with and emanate from the customs, while we have no legislation of our own and endeavor to assimilate the foreign laws which we have adopted.

When the report of the majority mentions the "drawing closer * * * of the sociological elements which must be harmonized" it surely can not wish to imply that our five aggroupments differ considerably in the nature and constituents of their sociological elements, because such an assertion would be an obvious error needing no refutation. But if by sociological elements it is meant to refer to the States as different entities we believe that the closeness of one another is such that it sometimes goes beyond what it ought to be. Without reference to peaceful intercourse, even in armed contests frequently the flags of more than one State are blended. When at one time Nicaragua's independence was imperiled all the armies of Central America, that of Costa Rica being foremost, hastened to defend it. On another occasion the territorial integrity of Nicaragua and Honduras was threatened on the Mosquito coast, and Salvador made a common cause with those States and ran the same risk.

There is a phenomenon to which we call the attention of those enabled to value it rightly. Sometimes the ardor we show in our contests is of so violent a nature that it might appear that an implacable enmity would separate us forever; but as soon as word of peace is uttered we recognize each other as brothers. No territorial conquests have ever taken place in Central America—no war indemnities or humiliating satisfactions imposed by one people upon the other as an abuse of victory. As soon as a change is effected in the government staff, which invariably is the motive of our invasions, the conqueror returns satisfied to his domicile without ever demanding, as compensation for the blood and the property expended, anything more than the intimate friendship of the new ruler it has installed in power.

In our wars a rule has been observed which should be mentioned because it confirms our idea. The invader of a neighboring State, as soon as he enters the territory of the unfriendly government, organizes a revolutionary government and declares himself its ally. This practice ought to be abolished, because it is harmful; but the idea it implies must be acknowledged, as it is not to hurt the feelings of the invaded State, showing that the armed contest is only aimed against the government.

It can not be denied that in the temperament of the Central American peoples there exists—and we say it with satisfaction and even with pride—a feeling of brotherly love which prevails above all animosities and makes us forget in an instant the most painful recollections. Far from believing that it is not possible to pass rapidly from strife to a sincere and peaceful union, we are convinced that the moral union of the Central American peoples has always existed, even in the midst of the most passionate contests of their Governments.

When the report of the majority mentions the need of drawing closer the means of communication between the States, to prepare them for the union, it implies that it is impossible for the present, due to the great distances which separate us and the lack of rapid and safe means of communication.

A noted author, referring to Mexico, says that in 1880 there were not over 600 kilometers of railroads in that Republic. Mr. Calvo, in his article published in pamphlet form by this conference, states that the Central American railway lines aggregated in 1902 about 1,000 miles, and he adds a footnote that since then the increase in mileage in Central America has been considerably increased. So that within a lesser area we have more than double the amount of railway lines than existed in Mexico in 1880.

It is well known that our principal cities are connected by rail with the seacoast and the ports are in frequent communication. To-day the distance between Guatemala City and San Jose, Costa Rica, is covered more quickly and easily than from the former to the capital of the Department of Peten; than from Tegucigalpa to Trujillo; than from Managua to Cape Gracias a Dios; and these long distances between the cities of one State and its capital are not an obstacle to the Government extending its influence to them, to maintain order, and further the national development. The telegraph transmits rapidly

the influence of the Government to all parts of the country, and in the furthest regions a special center of authority can easily be established with power to maintain order, as Nicaragua has done on the Atlantic coast with the Bluefields intendency.

Furthermore, to extend and improve the means of communication, to make more effective the work of the Government, does not seem an impossible or even difficult task. The important motion of the Costa Rican delegation concerning the Central American Railway induces us to entertain this opinion. "It is not only," says the motion, "a need of which we are all aware (that of the railroad), but it can be carried into execution without an expenditure of greater effort than is fortunately at our disposal."

This being a fact, we believe that Central America could construct its railroad, if united, in half the time that it could if divided. It would be a more imperative need for the National Government than it is now for the sectional Governments. On the other hand, no one will doubt that it will be easier to secure the necessary funds for this work under the auspices of a government which would give a better guaranty for the peace, credit, and responsibility of the nation than under the present circumstances, which do not inspire sufficient confidence in foreign capital.

The importance of this matter impresses us with the duty of considering it in its principal features, and therefore we ask the indulgence of the honorable committee in case we should go beyond what it meant in its report.

Those opposed to the Central American union have often asserted that its greatest enemy is the desert—that is to say, the scattering of a meager population over an extended and uncultivated territory.

According to data prepared by the International Bureau of the American Republics it is evident that in comparing the Central American States with some of the countries of this continent we find that Central America has a total area of 426,975 square kilometers and a population of 4,118,977 inhabitants, which gives a population of 9.6 inhabitants to the square kilometer. The Argentine Republic has 1.7 inhabitants to the square kilometer; Brazil, 1.94; Chile, 5.03; Mexico, 6.87; and the United States, 10.25. It is to be seen, therefore, that the relative population of Central America is larger than that of the principal nations of this continent except the United States. With regard to the existence of large tracts of waste and unsettled lands, Central America does not possess such lands to a greater extent than the United States, the Argentine Republic, or Brazil.

It is a fact worthy of note that the less peopled regions of Central American countries have always been the most peaceful. Appealing to history, let us investigate in which places there has been more agitation. We find it in Guatemala in the Departments of the west, center, and east; Alta Verapaz, Peten, and Izabel have been peaceful. In Salvador, Santa Ana, San Salvador, and Sonsonate have been prominent factors in civil strife. The eastern part and Chalatenango have been peaceful. In Honduras, Tegucigalpa and the southern and western Departments have been turbulent and the rest peaceful. In Nicaragua, Leon, Managua, and Granada have been warlike; Matagalpa, Segovias, and Chontales have been peaceful. Costa Rica has been spared disturbances in recent years, but in former times, when discord agitated its people, Cartago, San Jose, Heredia, and Alajuela were warlike factors. We can state, therefore, without fear of error, that the wilderness is peaceful and is not an obstacle for the union of the Central American peoples.

It must also be recollected that we Central Americans have conquered, to a certain extent, the desert, because the peoples living on the Pacific slopes—where our population has attained the greatest density, where our greatest interests and the political power of the States are centered—have such easy and rapid means of communication, as we have already said, that the functions of the National Government could be freely exercised.

In opposition to the opinion that we are fighting we assert that our people need the union in order to conquer the desert, and we beg leave to quote a historic case. In the year 1887, under the administration of Don Evaristo Carazo, in Nicaragua, a treaty was signed between the Republics of Nicaragua and Costa Rica, in which it was provided that the first named granted to the second the right of free commercial navigation in all the waters of the San Juan River and the Lake of Nicaragua, and the second undertook, in return, to permit the use of the waters of the Colorado River for the improvement of the lower San Juan and the San Juan del Norte Bay, which were obstructed to a great extent, and to contribute to a considerable part of the outlay to be incurred in

the enterprise. The separatist spirit was interposed, the convention was not approved by the Nicaraguan Congress, and both Nicaragua and Costa Rica lost the lower San Juan and the Bay of San Juan del Norte. This is a case in which separation has maintained, or rather created, a desert, as it has ruined the chance of improving the most important commercial waterway of former times in Central America.

The propriety of a speedy union of our peoples is dependent upon the urgent necessity felt in Central America to put a stop to a political status which, during a period of nearly seventy years of our separation, has been insufficient in a definite manner to have order, peace, and liberty enforced by a truly democratic government; that has been unable to establish on solid basis the credit of Central American countries and to impart full confidence to foreign capital, to bring immigration to our shores, and to raise the moral level of the masses, schooling them in the exercise of their rights, and giving them object lessons of the respect due to law and the principles of justice.

We hope that the establishment of the Central American court of justice, agreed upon in the most important of our conventions, shall for the time being be the key to our political structure and shall remedy to a great extent our evils and shall prevent war in future. We believe, however, that it does not suffice to satisfy the sentiment and aspirations of the Central American people, and that within a short time it will be felt, through the free trend of opinion and through the obvious relation of our public needs, how essential is a more intimate and complete amalgamation.

We have confidence in peace, but we would like something superior to a peace purely material—diplomatic, if we may be permitted to call it such; we desire to check the moral strife engendered by jealousies and mutual distrust of the governments which prevent "the generous and effusive expansion of the Central American States," as Uribe said.

We agree that sometimes nothing can be more detrimental than impatience; but excess of patience in the presence of acute and persistent evils—prudence which always hesitates and never decides the "status quo" at a time when all is in motion and agitation around us—are not less detrimental to men and peoples.

We shall never be able to awaken in our countries an energetic feeling of duty, an active spirit of progress, that confidence in self-effort which, for men and peoples, is the surest guaranty for great victories, if we begin by undervaluing them before the eyes of the world, by saying that they are incapable of doing what other peoples have done, and that a community of more than 4,000,000 inhabitants, possessing an exceptional territory, on account of the treasures with which nature has endowed it, is not in a position to constitute a stable and respectable nation.

We do not intend to criticise the report which occasions this vote. We only wish to state to the conference that we are convinced that it is possible, at present, to effect a radical change in Central America which may improve our condition and infuse into our social and political status new life, more in accord with democratic tendencies and the principles of civilization and humanity.

Convinced in this sense, the delegations of Nicaragua and Honduras regret to differ in opinion from the honorable colleagues who have signed the report of the majority subject to vote, and deferring to the good faith in which they act, we deplore that we can not avail ourselves of such a propitious occasion as that offered by the meeting of the conference to carry into execution the work upon which depend our destinies and without which we will not be able to be happy nor to prevent evils the magnitude of which we can not at present foresee.

We repeat it, the delegations of Nicaragua and Honduras vote against the report of the majority.

JOSÉ MADRIZ.
LUIS F. COREA.
P. BONILLA.
E. C. FIALLOS.
ANGÉL UGARTE.

HAITI.

ENFORCEMENT OF THE HAITIAN TAX LAW OF 1876.

File No. 4880.

Minister Furniss to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Port au Prince, March 2, 1907.

(Reports that the Haitian authorities have announced that they will at once enforce the law of 1876, which, if done, would drive all foreign merchants from Haiti, and would occasion very great loss. States that he has seen the Haitian minister for foreign affairs whose statement is not satisfactory, and that the diplomatic corps has unanimously agreed not to tolerate discrimination, adding that the law must be strictly enforced or not at all. Says that all have agreed that when the law is enforced against the first foreigner each foreign minister on the same day will present protest against the law, and if Haiti persists in the execution of the law, to request delay for liquidation of firms and opportunity to publish in the foreign press that Haiti is closed to foreign trade. Asks to be informed if his adherence to the above is sanctioned.)

File No. 4880/6-7.

Minister Furniss to the Secretary of State.

[Extracts.]

No. 165.]

AMERICAN LEGATION,
Port au Prince, March 2, 1907.

SIR: In the local daily papers of the 20th to the 23d of February, 1907, there has appeared an announcement of the mayor of Port au Prince (copy and translation inclosed), to the effect that it is his intention to enforce the law of October 24, 1876, prohibiting foreigners from selling in Haiti at other than wholesale, and which defines what constitutes wholesale.

For many years this law has not been in force, other than that foreigners have been required to take out a consignee's license, and when that has been done they have sold, unmolested, in whatever quantities they have cared to sell. Of course, during the time our treaty with Haiti was in force American firms took advantage of

their right to obtain a retailer's license, but this was done only because such license was cheaper; but since the denunciation of the treaty Americans have had to take out the same licenses as have been granted to other foreigners.

When the mayor first published that he was going to enforce the law the French minister called to see what would be done by this legation. He told me that he had seen Secretary Sannon, who had told him that the enforcing of the law was wrong and would not amount to anything. With that information we decided to await further developments.

On Thursday, the 28th ultimo, I was informed by some of our American firms, particularly those of Syrian origin, that police officers had been to their stores, had taken the names and addresses of those in the store purchasing by retail with a view to prosecuting them.

I at once made investigation and found that the British of Syrian origin and the Dominicans had been likewise treated, but up to that time no others. Subsequently the police have been to a few French and Cuban firms, and are said to be making the rounds of the more important firms of all nations.

I then called upon Secretary Sannon and, after making a statement as to what had happened, asked if it was his Government's intention to carry out the law; and if so, if it was to be administered to all alike. I explained to him that I would give to the Americans of Syrian origin the same protection which I would give to native-born Americans; that I could permit no discrimination either as among Americans or as against Americans. I pointed out to him the impossibility for our merchants to do a strictly wholesale business in Haiti as defined in the law, and said if it was his Government's idea to drive all business men from Haiti they should at least be given ample time to liquidate their businesses and for our Governments to be informed that Haiti is to be closed against foreigners. To this he replied that he was unable to state as to what would be the action of his Government, but that he would assure me that whatever it was all persons of one nationality and all nationalities would be treated alike. He affirmed that his Government desired foreign capital employed in Haiti, but said there were many who thought that business of foreigners should be limited so as to give the Haitians a chance to do the business. Before I left he said he thought the matter would blow over.

After I came from Secretary Sannon I saw the French minister and the English representative, who told me that they had just seen Secretary Sannon and failed to get a satisfactory answer. As the matter bid fair to be serious, the English representative told me he was going to request the dean of the diplomatic corps to issue call for a meeting. The next morning, yesterday, he called to tell me that there would be such a meeting at 4 p. m. at the Dominican legation, and later in the day I received notice of the same.

With yesterday's mail I received word from Consul Livingston that the same notice which appeared here had appeared there, and I was informed by other diplomatic representatives that they had received like word from other ports in Haiti. From the concerted action it would seem that this was being done by order of the Government and not upon the initiative of the local authorities.

I attended the meeting at the Dominican legation on yesterday. There were also present the Dominican, French, and German ministers, the Cuban chargé d'affaires, and the English consul-general, who has diplomatic powers. After a full discussion of the situation it was agreed that we should advise our respective countrymen to continue in business as heretofore; that as soon as the first one of any nation has been arrested and fined in accord with the law, that all of the foreign representatives individually would, on the same day, send the same note of protest to the Haitian Government, giving as the reason for our objection to the law its obsolescence and the fact that it has not been enforced for some years and was contrary to modern practice, insisting that if it is the intention of the Haitian Government to carry out the provisions of the said law that a reasonable time be given for our firms to liquidate, as they would of necessity have to do; that all foreign firms must be treated alike, and that time be given us to advise our Governments that they may have published in our respective papers that Haiti has closed her doors to foreign business firms.

I have been shown to-day a summons issued against A. Lagojannis, an important American merchant, citing him to appear in court on the 7th instant to show cause why he should not be fined for selling in retail, contrary to the law of 1876. Action in his case will be awaited with interest.

Since writing the foregoing the German minister has called and shown me licenses which he has obtained from German firms, and it appears that to some of them have been issued both the consignees' license, which, according to law, is the only license which can be issued to foreigners, and also retailers' license, which have been issued contrary to law.

I have, etc.,

H. W. FURNISS.

[Inclosure.—Translation.]

(Liberty, equality, fraternity.)

REPUBLIC OF HAITI,

Port au Prince, February 19, 1907

(One hundred and first year of the Independence).

The communal magistrate of Port au Prince:

Whereas it is found that certain consignee merchants and wholesale merchants violate the law of October 24, 1876, relative to the regulation of direct taxes;

These contributors are reminded of the following articles of the above-mentioned law:

ARTICLE 14. No consignee merchant, Haitian or foreigner, can sell any kind of merchandise for an amount under the value of \$100 (100 piasters).

ART. 15. A wholesale merchant who sells dry goods or provision can not sell less than one piece, one dozen, one mass, one gross, one thousand, one ream, one roll, one barrel, one box, one demijohn, one basket, one-half hogshead.

ART. 29. Any consignee or wholesale merchant who shall be convicted of having sold a less quantity of merchandise for a value less than that fixed in article 14 above, shall be condemned to a fine of not less than 100 piasters, nor more than 400 piasters. In case of a repetition, the fine shall be doubled and the goods in question shall be confiscated and sold for the benefit of the communal funds.

ART. 30. The Haitian or foreign consignee merchant who shall violate three times the provisions of the present law shall incur the risk of losing his license.

In consequence, there is granted to them, for the purpose of conforming to the provisions of the present law, a delay of three days, after which the contribu-

tors shall be denounced before the justice of peace or to the commissary of the Government, for such action as their cases may merit.

Foreigners are at the same time reminded that they must procure a license from the President of Haiti; that they can in no wise carry on any commerce or industry without this. Conformable to this legal prescription, there shall be taken against such foreign merchants or manufacturers, who have not this license, all coercive measures necessary to assure the rigorous execution of the law ruling in such matters.

Done at the Communal Hotel the day and month as above written.

STENIO VINCENT.

File No. 4880/1.

Minister Furniss to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Port au Prince, March 5, 1907.

(States that numerous foreign firms—four of them American—have been cited for prosecution on the 7th instant, and that prompt action is absolutely necessary. Adds that unless otherwise instructed he will enter protest to-morrow.)

File No. 4880/1.

The Secretary of State to Minister Furniss.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 5, 1907.

(Refers to Mr. Furniss's cable of March 2, and states that as the enforcement of the law of 1876 may drive American merchants from Haiti and will occasion them great loss, he is authorized to protest against the enforcement of the law. Instructs him to state that the department can not permit discrimination against its citizens in favor of other foreign merchants, and informs him that to this extent only he may cooperate with the diplomatic corps.

Refers to Mr. Furniss's cable of March 5, and directs him to protest on behalf of the four American firms, stating that if the law is to be enforced, American citizens must have reasonable time to wind up their affairs.

Directs him to report by cable the exact effect of the enforcement of the law upon resident Americans, and to send schedule of proposed rates so that the department may make proper announcement here to the American press.)

File No. 4880/2.

Minister Furniss to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Port au Prince, March 6, 1907.

(States that the law of 1876 permits foreigners to be importing merchants only and as such can not make sale for less than 100 Haitien dollars—to-day worth 20 American dollars. Further states

that the law has not been enforced for many years. Says that the first offense is punishable by a fine not less than 100 Haitien dollars, the second offense double and confiscation of goods, and on the third offense license is canceled. Owing to the present financial conditions in Haiti, it is doubtful whether any foreign merchants can comply with the law. Adds that a full report is expected to arrive in Washington on the 10th.)

File No. 4880/2.

The Secretary of State to Minister Furniss.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 7, 1907.

(Refers to Mr. Furniss's cable of March 6 and directs him to take no action beyond the protest authorized in the department's cable of March 5 until further instructed.)

File No. 4880/8-12.

Minister Furniss to the Secretary of State.

No. 171.]

AMERICAN LEGATION,
Port au Prince, March 8, 1907.

SIR: I inclose herewith the correspondence between this legation and the Haitian Government relative to the enforcement of the law of 1876, which prohibits foreigners from selling at retail.

My No. 148, of March 6, 1907, is the joint protest of the diplomatic corps; other than that, agreeable to the department's cable instructions of the 5th instant, I have omitted a paragraph submitted by the other ministers, which reads:

I wish to inform you that I shall have the necessity of at once calling my Government's attention to the new situation created in this country against my fellow-citizens, and at the same time the necessity of giving the greatest publicity to the fact that by inexplicable obstacles the Republic of Haiti has closed her ports against the freedom of commerce.

Likewise, agreeable to said cable instruction, I have added such other matter as was not contained in the joint protest, copy of which is inclosed herewith.

On the 7th instant at 10 a. m., the day and hour designated by the civil court of Port au Prince for such merchants as had been summoned to appear to show cause why they should not be fined in accord with the law, five American firms, as named in my No. 149, of the 6th instant to Secretary Sannon, copy inclosed herewith, were present and were informed by the officials of the court that no action would be taken until further notice, and they were dismissed. Some court official also volunteered the information that it was the intention of the Government to have enacted a new law relative to the matter.

It was the report on the street that in view of the protests of the diplomatic corps the Government would not enforce the law, and late in the evening of the 7th instant I was informed by the secretary

of the German legation that the secretary of interior had confidentially informed the German minister to that effect. Accordingly, that I might be able to advise the department if this was true, I to-day called on Secretary Sannon at an early hour for a confirmation of the rumor, but he refused to give such, and said my note of the 6th would be officially answered to-day. He claimed that because of the protests his Government was forced to assert its rights, while if there had been any endeavor to arrange an amicable settlement his Government would have acquiesced. I objected to this statement and called his attention to my interview of the 1st instant, reported to the department in my No. 165, of the 2d instant, and wherein I had pointed out the effects of said law upon American firms, its impossibility of execution, and his (Secretary Sannon's) remark that "it would all blow over, etc." I further stated that I knew that the English consul-general and the French minister had called upon him, had said more or less as I had, and had received like replies; that we could but believe what he had said. The next day, having our firms cited to appear in court for violation of said law, we had waited until the day before that marked for their appearance, when, no order having been given to set the summons aside, we could but think that it was the Government's intention to carry out the law and it became our duty to protest.

He then wished to shift the responsibility of the enforcement of the law on the mayor and city council, and claimed that it rested with them as to the enforcement of the law. I called his attention to the fact that if it was as he stated, those officials were a part of the Haitian Government, and as such responsible to it; that the law was an act of the General Government; that it was impossible for me to protest to said officials, and equally impossible for me to inquire of them as to what disposition they intended to make of the law; that I was accredited to his Government and not to the city government, and that therefore I would thank him, if he knew, to inform me, otherwise to find out for me and let me know, as to what were the intentions of those officials. I was led to believe that it is the intention of the Haitian Government, as a result of the joint protest, to discuss their rights, and at the same time to order the city government to desist in the prosecution, making it appear that the protest had nothing whatever to do with the nonenforcement of the law.

To-day officials of the city government have been to the different stores owned and operated by foreigners and offered to issue to them, other than the importer's license sanctioned by law, a wholesale and retail license as is granted to Haitians and as has been granted at various times heretofore to foreigners. Though there is nothing in the Haitian laws which permits foreigners to have such licenses, the foreign representatives have deemed that as it appears that such procedure will stop further action on the part of the Haitian officials, it is the best way out of the present difficulty, and if it does not stop further action, it is even a stronger argument against such action.

In the discussion of Secretary Sannon's note of to-day (copy inclosed herewith), the department will note that Secretary Sannon wishes to make a distinction which our acceptance of the word "license" does not permit.

In regard to his contention that to the authorities of the cities is intrusted the execution of laws, etc., it would seem that he would

make the said authorities responsible, and not the Government which enacts the laws and of which the said authorities are a constituent part. With such a doctrine in effect, it would be necessary for the foreign representatives to be accredited to the various city governments as well as the Federal Government.

The facts are, that in accord with the Haitian constitution the Federal Congress makes all the laws, those affecting villages, towns, cities, and districts, as well as those affecting the General Government. This, of course, has no bearing upon the Federal Government's responsibility or lack of responsibility as to the actions of city or other officials and is stated just as information.

The fact that the law of 1876 has been in force practically ever since its enactment, but has never been enforced, or at least for some years, would seem to be sufficient to make the law obsolete and a precedent sufficient to render its enforcement unnecessary.

The fact that the city governments have issued licenses for retail during years when there was no law authorizing such, and that other officials failed to enforce that law, should constitute ample reasons for objection to its enforcement now. Custom is sometimes the maker and breaker of law. The facts are that the officials have allowed the law to die by their failure to enforce it, until now its provisions become a menace to the established trade of citizens or subjects of friendly nations.

Not only have the city governments in times past issued licenses permitting foreigners to sell by wholesale and retail, but, as stated above, this city government has commenced to-day to again issue such licenses.

In reference to his other contention, that the law is not unfriendly toward foreigners, the opposite of that is beyond discussion, for the reason that all the foreign firms in Port au Prince, the chief business center of the Republic, have been forced to sell in small quantities, virtually retail, and I am informed by all our American firms, and the French, English, German, Dominican, and Cuban representatives have assured me that they have investigated and find that all their firms would have to liquidate their businesses if the law of 1876 was enforced without exception.

No action will be taken as to Secretary Sannon's note until all the diplomatic corps have received their respective replies and there has been an opportunity to discuss the situation in the light of such replies. The department will be kept advised. No action will be taken without instructions.

I have, etc.,

H. W. FURNISS.

[Inclosure 1.]

Minister Furniss to the Minister for Foreign Affairs.

No. 148.]

AMERICAN LEGATION,
Port au Prince, March 6, 1907.

SIR: The enforcement of some articles of the law of October 24, 1876, on the regulation of direct taxes has not been possible up to now because of the economic situation of Haiti, and in the present state of its commerce they are inapplicable and do considerable injury to citizens of my country established for many years in this country in retail business.

The principle of impossibility of the execution of that law has at all times been so well recognized by the Haitian Government that the latter has even

delivered licenses to foreigners for carrying on retail trade. It has thus bound itself to those foreigners by a kind of contract, and encouraged them to lay in stock for retail trade. If, however, the enforcement of the exceptions which have been made to the law is persisted in, my fellow-countrymen will be obliged to close their stores and leave the country.

It is presumed that if the enforcement of this law is persisted in, it will be administered to all foreign merchants alike, otherwise my Government has instructed me to say that it can not permit discrimination against its citizens in favor of other foreign merchants.

I therefore, with the approval of my Government, most energetically protest against the application of a measure so unfriendly to foreigners in general and American firms in particular.

In case the law is put into effect, it becomes an indisputable right for your excellency's Government to give the merchants affected necessary time to liquidate their businesses.

I would be very thankful to you to give me a reply to this communication at your earliest possible convenience.

Please accept, etc.,

H. W. FURNISS.

[Inclosure 2.—Translation.]

Protest submitted by Dominican, German, French, and Cuban representatives.

MR. SECRETARY OF STATE: The enforcement of some articles of the law of October 24, 1876, on the regulation of direct taxes has not been possible up to now because of the economic situation of Haiti, and in the present state of its commerce they are inapplicable and do considerable injury to citizens of my country established for many years in this country in retail business.

The principle of impossibility of the execution of that law has at all times been so well recognized by the Haitian Government that the latter has even delivered licenses to foreigners for carrying on retail trade. It has thus bound itself to those foreigners by a kind of contract, and encouraged them to lay in stock for retail trade. If, however, the enforcement of the exceptions which have been made to the law is persisted in, my fellow-countrymen will be obliged to close their stores and leave the country.

In that case it becomes an indisputable right to give them the necessary time to liquidate.

While protesting most energetically against the application of a measure so unfriendly to foreigners, I wish to inform you that I shall have the necessity of at once calling my Government's attention to the new situation created in this country against my fellow-countrymen and at the same time the necessity of giving the greatest publicity to the fact that by inexplicable obstacles the Republic of Haiti has closed its doors against the freedom of commerce.

I would be very much obliged if you would give me an answer to this communication without delay.

I wish you to accept, Mr. Minister, the assurances of my high consideration.

[Inclosure 3.]

Minister Furniss to the Minister for Foreign Affairs.

No. 149.]

AMERICAN LEGATION,
Port au Prince, March 6, 1907.

SIR: In further reference to my note No. 148 of this date, I am directed by my Government to protest on behalf of Messrs. A. & B. Sada, Elie A. Mansour, A. Lagojannis, S. & N. Zrik, and C. Lyon Hall & Co., American firms in Port au Prince, against the summons which has been issued directing them to appear in court to-morrow at 10 a. m. for having violated section 14 of the law of 1876.

As pointed out in my note referred to, if the law is enforced against these American firms, it will necessitate their liquidating their businesses and withdrawing from Haiti.

I am directed by my Government to state that if the law is to be enforced, American citizens must have a reasonable time to wind up their affairs.

Please accept, etc.,

H. W. FURNISS,
American Minister.

[Inclosure 4.—Translation.]

*The Minister for Foreign Affairs to Minister Furniss.*DEPARTMENT OF STATE FOR FOREIGN RELATIONS,
Port au Prince, March 8, 1907.

MR. MINISTER: I have the honor to acknowledge receipt of your note No. 148, by error dated February 6, relative to the enforcement of some of the articles of the law of October 24, 1876, on the regulation of direct taxes, a fact which, you say, carries considerable injury to your fellow-citizens for many years established in the country in retail trade.

Before entering the discussion raised by your legation on account of the enforcement of that law, I will begin by correcting an error which has slipped in the following passage of your aforesaid note:

“The principle of impossibility of the execution of that law has at all times been so well recognized by the Haitian Government that the latter has even delivered licenses to foreigners for carrying on retail trade. It has thus bound itself to those foreigners by a kind of contract and encouraged them to lay in stock for retail trade.”

If by the English word “licenses” your legation means the documents delivered by His Excellency the President of the Republic to foreigners to carry on business or industry whatever in Haiti, I would observe, in that case, that the license confers only the permission to carry on a commerce without giving any right to the foreigner provided with such to do a retail trade. If by “license” your excellency means to say what we here call “patents,” there would again be an error to be corrected, because the Haitian Government has received by no law existing the right to issue patents, neither to Haitians nor foreigners. And that error is so plainly shown that I have not discussed the arguments that you have drawn therefrom.

The issuing of patents is the business of the communal councils, an elected body that receives its mandate from the people and exercises its attributes conformable to special laws. And it is to the communal councils that belongs, by authorization of the law, to execute, notably, the provisions of the law of October 24, 1876. Besides, even granting the hypothesis that it may be proven that one of these communal councils had neglected to execute that law, it would be inadmissible to draw the conclusion, to wit, that that can constitute an encouragement to a category of individuals to violate the provisions of that law. That would, moreover, be contrary to a universally admitted principle, that no one is supposed to be ignorant of the law.

This being proven that it is not the Government that issues patents to merchants, have the communal councils at any time issued patents to foreigners for a retail business? During the time the law of 1900 was in vigor consignee merchants could carry on a retail trade on procuring, apart from their patents as consignees, a new special patent of wholesale and retail merchant. But that right which the law of 1900 granted was withdrawn from foreign consignees by the law of August 13, 1903, which modified that of 1900 and reenforced the provisions of the law of October 24, 1876, which remains at present in force.

It is necessary to well explain that point so as to dissipate the misunderstanding which it had caused; on the other hand, your excellency has comprehended perfectly that the law of 1876 could not be a law of exception; that is to say, susceptible of being applicable to only one category of foreigners. Moreover, what entirely proves this is the steps taken by all the other members of the diplomatic corps near to this department relative to the application of that law.

Nevertheless, your excellency protests against the application of that which you call a measure so unfriendly to foreigners in general and to the American houses in particular. You add that in case of the enforcement of the law the Haitian Government should give to the merchants established necessary time to liquidate. Frankly, to reply to your excellency, I will say to you that it appears to me difficult to call a measure unfriendly to foreigners, a law that maintains all foreigners on an equal footing for carrying on commerce, and that, while reserving to natives the small retail trade, has not prevented the increasing prosperity of the large foreign houses that have not ceased to be at the head of the commerce of this country.

In that which concerns the eventuality of a general liquidation of the foreign houses without in nowise contesting the right of those houses to withdraw from

this place, the Government does not see how the enforcement of a local law, voted by the competent public powers in the plenitude of our sovereignty of an independent state, can be the present cause of such a determination. In any case, if this eventuality must take place, which we do not think will be the case, the Government will adopt such measures as are necessary for the communications that may be addressed to it under that head.

Please to accept, etc.,

H. PAULÉUS SANNON.

[Inclosure 5.—Translation.]

The Minister for Foreign Affairs to Minister Furniss.

DEPARTMENT OF STATE FOR FOREIGN RELATIONS,
Port au Prince, March 8, 1907.

MR. MINISTER: By your dispatch of the 6th instant, No. 149, dated, without doubt through error, February 6th last, you have been pleased to inform me that you were charged by your Government to protest in favor of Messrs. A. & B. Sada, Elie A. Mansour, A. Lagojannis, S. & N. Zrick, and C. Lyon Hall & Co., American houses established in this city, against the summons that have been made to them to appear before the court for having violated article 14 of the law of 1876.

You have thought it necessary to add that if the law in question is enforced against these American houses, they will be obliged to liquidate their businesses and leave the country, in which case you are further charged by your Government to declare that your fellow-citizens should have a reasonable delay in which to regulate their affairs.

In acknowledging the receipt of that communication, I have the honor to refer you to my dispatch of this day in reply to yours of the 6th of this month, No. 148.

I take, etc.,

H. PAULÉUS SANNON.

File No. 4880/5.

Minister Furniss to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Port au Prince, March 9, 1907.

(Reports that from present appearances the law of 1876 will not be enforced.)

File No. 4880/15-16.

Minister Furniss to the Secretary of State.

No. 174.]

AMERICAN LEGATION,
Port au Prince, March 13, 1907.

SIR: In further reference to my No. 171 of the 8th instant, I inclose herewith my reply to Secretary Sannon's note of the 8th instant, submitted as inclosure No. 4 of said dispatch.

It seems that the Haitian Government will desist from prosecuting those summoned to appear in court for violation of the law of 1876, and will require foreign firms to take out retail licenses which are being issued by the municipalities.

The issuing of the retail licenses to foreigners is contrary to law, foreigners only being legally allowed to take out importers' licenses. Yet the representatives of the other foreign governments accredited here have advised their countrymen to take out these retail licenses,

as being the best way out of the difficulty. The said license costs \$50 Haitian (to-day about \$10 United States gold), and is required of all Haitians who have importers' licenses and wish to sell at retail. I am desirous of knowing if the department would suggest that it would be best for American firms also to take out retailer's licenses.

I have, etc.,

H. W. FURNISS.

[Inclosure.]

Minister Furniss to the Minister for Foreign Affairs.

No. 152.]

AMERICAN LEGATION,
Port au Prince, March 12, 1907.

SIR: I am in receipt of your excellency's note of the 8th instant, containing several points to which, while awaiting further instructions from my Government, I feel the necessity of replying.

Your excellency has failed to comprehend the meaning of the word "license," which is defined by Webster, a recognized authority, as "a formal permission from the proper authorities to perform certain acts or to carry on a certain business which without such permission would be illegal."

I am well aware of the method of issuing licenses by your excellency's Government—that is, requiring first a license authorized by His Excellency, the President, giving permission for one to do business in Haiti, then upon presentation of that license to the proper local officials a license is issued for a designated place, permitting one to carry on a specific business at that place, the former license being a necessity for the latter, and the two constitute one's rights to carry on a legal business.

It is immaterial that it is the prerogative of municipal authorities to issue a part of the license and to enforce the law. Municipalities are but parts of Haiti, and as such are responsible to the general Government of Haiti. It is but natural that for anything done by any municipality to jeopardize the interest of American citizens the Federal Government of Haiti alone must be held responsible. The very idea of Haiti's being a sovereign government exacts this. Any other doctrine could not for an instant be admitted.

I need not discuss your excellency's contention that no licenses permitting foreigners to sell at retail have been issued since 1903, as your excellency has since doubtless been made aware of the fact that the most recent proof was being enacted in Port au Prince while your excellency's note was in transit to this legation, though perhaps, as your excellency well shows, without authority of law.

I can not understand your excellency's idea as to what constitutes friendliness toward foreigners. Surely the fact that should the law of 1876 be enforced to the letter, thus forcing all foreign firms to liquidate, none being able to comply with the law, can not be considered as such, even if all foreign firms are placed in the same category. If it is the desire or intention of your excellency's Government to keep what you call the "small trade" in the hands of Haitians, then there should be a revision of the law, as under present financial conditions in Haiti all sales of less than \$100 to one person at one time can not be considered "small trade" when such sales are so seldom made, and there are large foreign firms whose total sales some days do not equal that amount.

In reply to the last paragraph of your excellency's note, you will pardon me for quoting from my No. 148, misdated February 6, 1907, wherein I said: "If, however, the enforcement of the exceptions which have been made to the law is persisted in, my fellow-countrymen will be obliged to close their stores and leave the country." Your excellency will note that I said "will be obliged" to leave, that expression in English conveying the idea that it would not be because they wanted to leave but because they would be compelled to do so. Nowhere in my note did I say "will leave" the country; but should they so wish, I have no doubt, as your excellency says so, that your excellency's Government would not contest their right to withdraw.

Your excellency will please accept, etc.,

H. W. FURNISS.

File No. 4880/17-20.

Minister Furniss to the Secretary of State.

[Extract.]

No. 176.]

AMERICAN LEGATION,
Port au Prince, March 14, 1907.

SIR: Through the courtesy of the French minister I am enabled to inclose herewith a copy of the letter received from Secretary Sannon by that minister, in conjunction with the German and Dominican ministers, the Cuban chargé d'affaires, and the British consul-general, in answer to their protest, copy of which was inclosure No. 2 in my No. 171 of the 8th instant.

I also inclose copy of their reply to the same, wherein they accept the incident as closed.

I have, etc.,

H. W. FURNISS.

[Inclosure 1.—Translation.]

*The Minister for Foreign Affairs to the French Minister.*DEPARTMENT OF STATE FOR FOREIGN RELATIONS,
Port au Prince, March 9, 1907.

MR. MINISTER: I have the honor to acknowledge receipt of your excellency's letter of March 6 instant requesting some explanations on the subject of the law regulating the direct taxes.

Your excellency complains that the enforcement of the law of October 24, 1876, is injurious to the interests of your fellow-countrymen established here, and in support of your declaration you write that the articles in the law that cause your remonstrance, having been judged inapplicable, they have remained for some time unenforced.

I must observe, Mr. Minister, that your excellency is mistaken, and that your error arises from the fact that the law on the administration of direct taxes with us has undergone, during the past few years, successive amendments.

In fact, the law of August 3, 1900, amending that of October 24, 1876, gave to your fellow-countrymen, as well as to all foreigners, the right to obtain a license for selling wholesale and retail. But by a new law of August 13, 1903, reenacting the one of October, 1876, that privilege was taken from them at the same time that the status of foreign and native merchants was regulated.

This last law was regularly promulgated and has in consequence, during nearly four years that it had been in existence, enlightened all native and foreign merchants as to the conditions under which they can carry on commerce here.

I will further observe to your excellency that if that part of the law which treats of the license question has not been enforced, not only would the Government have no responsibility, but, further, it could do nothing in the case.

It is the communal administration, an institution independent of the Government, which that point of law interests, and it is it that has charge of the enforcement.

I therefore have to express my regret at the decision, which you tell me your fellow-citizens will take, a decision inexplicable, if we consider the kindly welcome that we have always given to them and the facilities which we have always endeavored to grant them. I take the occasion to deplore your supposition, that by its inexplicable obstacles the Republic of Haiti closes its doors to the freedom of commerce. The sentiments of the Haitian people are too universally known, as is also our sincere desire to extend our commercial relations with the friendly powers, for the existence of the least doubt on the real disposition of the Government in that which relates to the freedom of commerce. We have always, in that regard, professed the "open-door" policy, accepting foreigners of all nationalities that bring to us the cooperation of their intelligence or of their capital for the work of our material and moral advancement.

In the hopes that these considerations will dissipate all misunderstanding and will help to bring out more clearly the sincere desire of my Government to entertain with yours relations daily more cordial and closer, I renew, etc.,

H. PAULÉUS SANNON.

[Inclosure 2.—Translation.]

The answer of the Foreign Representatives to the Minister for Foreign Affairs.

PORT AU PRINCE, March 12, 1907.

MR. SECRETARY OF STATE: The letter that you have kindly addressed to me on the 9th of this month in reply to the one that I have had the honor to write to you protesting against the enforcement of the law of October 24, 1876, has reached me.

I thank you for the explanations that you have kindly given me on the law adjusting the administration of direct taxes and on the successive amendments made to that law at different periods.

But in that regard, I will observe, Mr. Secretary of State, that if the communal administrations of the Republic of Haiti place, by inopportune decision, obstacles to commerce, I can only address myself to the Haitian Government to put a stop to the effects prejudicial to our common interests.

I gather, with pleasure, from your communication the assurances that you give me of your sincere desire to extend your commercial relations with the friendly powers and the real disposition of the Haitian Government in that which concerns the freedom of commerce.

Persuaded that these few explanations will dissipate all misunderstanding and put an end to the incident that has caused this correspondence, I am happy, on my part, to assure you that all my efforts and those of my Government will always tend to tighten the bonds of friendship that unite our two countries.

File No. 4880/15-16.

The Acting Secretary of State to Minister Furniss.

No. 65.]

DEPARTMENT OF STATE,
Washington, March 30, 1907.

SIR: I have to acknowledge the receipt of your No. 174 of the 14th instant, in which you state that the Haitian Government will desist from prosecuting those summoned for violation of the law of 1876, and will require foreign firms to take out retail licenses which are issued by the municipalities.

In reply I have to say that it is not seen that it would prejudice any right this Government has in the absence of treaty if American citizens individually take out these \$10 retail licenses on the same footing as other foreigners, provided that no formal engagement in that regard between your legation and the Haitian Government shall appear.

I am, etc.,

ROBERT BACON.

File No. 4880/8-14.

The Acting Secretary of State to Minister Furniss.

No. 67.]

DEPARTMENT OF STATE,
Washington, April 1, 1907.

SIR: I have to acknowledge the receipt of your No. 171 of the 8th ultimo, inclosing copies of correspondence with the Haitian foreign office in the matter of the enforcement of the law of 1876.

In your note No. 148 of the 6th instant to the Haitian foreign office you say: "I therefore, with the approval of my Government, most energetically protest against the application of a measure so unfriendly to foreigners in general and American firms in particular."

The department's telegram of March 5 to you was drawn in such a way as to exclude any protest from you in behalf of foreigners. The interests of this Government in Haiti are peculiarly American and its methods of redress are different.

To prevent entangling alliances American interests were separated from foreign interests and you were directed to protest in behalf of your countrymen in Haiti and were likewise instructed to disassociate yourself from the other foreigners.

Inasmuch, however, as the incident has found a solution which does not appear to imply discrimination against American interests, it does not seem necessary to retract or qualify the statements of your note, but you will bear this instruction in mind, should the question be revived, or any fresh issue of a similar character be presented.

I am, etc.

ROBERT BACON.

File No. 4880/24-27.

Minister Furniss to the Secretary of State.

No. 243.]

AMERICAN LEGATION,
Port au Prince, September 23, 1907.

SIR: I have the honor to inclose herewith copy and translation of a law regulating the collection of license fees, etc., for the fiscal year October, 1907, to September, 1908.

This law reenacts the law in vigor for the present fiscal year and is therefore open to the objections set forth at length in my Nos. 165 of March 2, 1907; 171 of March 8, 1907; 176 of March 14, 1907. As stated in my No. 174 of March 13, 1907, the Haitian Government decided not to enforce the law for this fiscal year.

I inclose herewith for future reference of the department a copy of a pamphlet^a containing the laws relative to municipalities (*Recueil de Lois sur les Conseils Communaux*). This pamphlet contains the law of October 24, 1876, referred to above. There is also inclosed copy^a of a law of August 3, 1900, in which is marked the sections in force for the fiscal year 1907-8.

I have, etc.,

H. W. FURNISS.

[Inclosure.—Translation.]

LAW.

Nord Alexis, President of the Republic, using the power given him by article 69 of the constitution;

Considering that there is cause to prolong the law of October 24, 1876, on the regulation of indirect taxes for the fiscal period 1907-8, as well as articles 17, 18, 19, 20, 21, 22, 23, 24, 52, and 53 of the law of August 13, 1906, mentioned in that of August 13, 1903;

^a Not printed.

Considering that it is necessary to reenforce for the same fiscal period that part of the tariff law of August 3, 1900, concerning certain industries foreseen by the law of October 24, 1876;

Has proposed, and the legislative corps has voted, the following law:

ARTICLE 1. The law of October 24, 1876, articles 17, 18, 19, 20, 21, 22, 23, 24, 52, and 53 of the law of August 3, 1900, and that part of the tariff of the latter concerning the new professions and industries foreseen by the law of October 24, 1876, are and remain prolonged for the fiscal period 1907-8.

ART. 2. The proceeds of carriage licenses and public shows shall be assigned to the communal hospitals.

ART. 3. The present law repeals all laws or provisions of laws that are contrary thereto. It shall be executed under the supervision of the secretaries of finance and commerce, and of the interior, each in that which concerns him.

(Here follows the certification to the law.)

Passed by the House of Representatives August 6, 1907.

Passed by the Senate August 22, 1907.

Promulgated by the President August 30, 1907.

ILL TREATMENT OF DAVID A. BACKER BY HAITIAN SOLDIERS.

File No. 4247/14.

Minister Furniss to the Secretary of State.

[Extract.]

No. 132.]

AMERICAN LEGATION,
Port au Prince, January 15, 1907.

SIR: I inclose herewith copy of a letter from Mr. David A. Backer, an American citizen, who alleges that he was beaten and otherwise maltreated by certain Haitian officers. Together with said letter is inclosed the correspondence between this legation and the Haitian Government relative to the complaint therein made.^a

The facts of the matter are these: Mr. Backer, while on his way to the field to cut grass for his horse, was called by a certain general of the Haitian army, who was accompanied by several soldiers on foot, and having guns and clubs. He was ordered to dismount and go with them to work the road. This he refused to do, giving as his reason that he was a foreigner and not obliged to do such work, and particularly when the work was not in his district. This seems to have incensed the officer, who ordered him clubbed, and the soldiers only desisted when the officer found out from others who came to the scene that Backer was a foreigner; then the officer liberated him and attempted to make an apology, which was not accepted.

Backer immediately after release came to the legation and showed every evidence of having been roughly handled. I accordingly addressed a note (No. 2 of inclosures) to the secretary of foreign relations, calling his attention to the matter, and stated that the treatment which Backer had received at the hands of the Haitian official was anything but proper and would not be tolerated for an instant by my Government when directed against American citizens.

A few days after my note had been sent General Carrié, who is the commanding general of the district in which the affair occurred, called upon me—he stated at the instance of His Excellency the President—and said he had investigated the case and made verbal report thereon. I asked him to furnish this report in writing, which he promised to do.

^a Inclosures not printed.

After nearly a month's delay, hearing nothing further of the case, I, on September 21, 1906, called the matter to the attention of Secretary Sannon, and on the 26th of the same month followed it with my No. 86 (No. 4 of inclosures), which was answered same day (No. 5 of inclosures). In the reply I was told that it had been impossible for the officials to locate Mr. Backer, and I was requested to give more explicit directions as to where he might be found.

This was followed by my No. 88 of September 28, 1906, in which I furnished the requested information and called attention to the fact that it seemed strange that if General Carrié investigated the case sufficiently to make a verbal report thereon that the Government did not know where to find Backer, as it must have been necessary for General Carrié to have seen Backer to have gotten material for a report.

It was not until a month later, after I had several times personally called Secretary Sannon's attention to the fact that there had been no reply, and had sent him my No. 98 of November 6, 1906 (No. 8 of inclosures), that I received Secretary Sannon's notes of November 6 and 3, 1906 (Nos. 9 and 10 of inclosures), the latter inclosing the originals of certain affidavits which had been made by the Haitian officials designated to make the investigation.

After studying the documents submitted and talking with Mr. Backer, I decided to go to the scene of the incident complained of and make investigation. I took Captain Young, military attaché, and had no trouble in finding witnesses to the scene, all Haitians, and some three or four others more or less related to Backer, and whose evidence, for that reason, could be only accepted as corroborative. All of these affirmed as Backer had originally stated, and further, that Backer had not attempted to use his machete. Accordingly I, under date of November 15, 1906 (No. 11 of inclosures), again called the attention of Secretary Sannon to the incident, informed him that I had made investigation and found the facts to be as Backer had detailed, and not as brought out in the testimony. I further stated that I was "not at all satisfied with the report which had been submitted to me, nor could I reconcile the apology made to this legation by General Carrié, shortly after I called your (Secretary Sannon's) attention to this incident—he stated that he had come upon order of His Excellency the President—with the statement now made by those examined, who appear to be denying what I have reason to believe to be facts."

In reply to the last-mentioned communication was received Secretary Sannon's note of December 3, 1906 (No. 13 of inclosures), in which he chiefly discusses the right of the Haitian Government to force Backer to work.

In my notes throughout I have not so much argued the right to compel Backer to work as I have denied the right of an officer to beat him for not working. Even Backer's threatening an officer with a machete, which was not the case, I held was not reason sufficient to warrant the officers beating him. Secretary Sannon says little as to this, other than that if Backer considers that he has been improperly treated he has recourse to the courts.

It is necessary to state that in one of my conversations with Secretary Sannon I called his attention to the fact that Mr. Backer had lost considerable time from his work and had spent considerable for doc-

tors' prescriptions, etc. I stated that, since it was evident that he had been improperly treated, it was only fair that he should be reimbursed. I suggested that the settlement be made personally with Backer, i. e., without the intervention of the legation.

With these facts I desire to place before the department this case for such instructions as it may warrant.

I have, etc.,

H. W. FURNISS.

File No. 2447/14.

The Secretary of State to Minister Furniss.

No. 55.]

DEPARTMENT OF STATE,
Washington, February 1, 1907.

SIR: I have to acknowledge the receipt of your No. 132, of the 15th ultimo, transmitting copies of your correspondence with the Haitian foreign office in regard to the case of David A. Backer, who claims to have been beaten by Haitian soldiers under the orders of their commanding officer for a refusal to perform some work on the roads. Your course is approved.

While the department does not call in question the duty of persons residing in Haiti to comply with provisions of the Haitian law concerning the *corvée*, it must insist that American citizens residing in Haiti shall be subjected to the legal punishment for violation of a provision of law and that the violation of such law shall be established in an appropriate proceeding.

Flogging an American citizen by Haitian soldiers under the command of a Haitian officer can not be considered due process of law or due punishment for violation of law, and you are directed to inform the minister for foreign affairs that such conduct on the part of Haitian officials will not be tolerated.

I am, etc.,

ELIHU ROOT.

ITALY.

DECLARATION MADE BETWEEN ITALY AND DENMARK FOR THE PROTECTION OF DESIGNS AND INDUSTRIAL MODELS.

File No. 8911/-1.

Ambassador Griscom to the Secretary of State.

No. 167.]

AMERICAN EMBASSY,
Rome, September 12, 1907.

SIR: I have the honor to transmit to you herewith three copies of the Official Gazette,^a of September 10, 1907, No. 215, containing on pages 5485, 5486 the declaration made between Italy and Denmark for the protection of designs and industrial models, signed at Rome March 3, 1907.

I have, etc.,

LLOYD C. GRISCOM.

DESTRUCTION OF TOBACCO BELONGING TO THE ITALIAN GOVERNMENT.

(Continuation of correspondence printed in Foreign Relations, 1906, p. 949 et seq.)

File No. 2976/5.

The Acting Secretary of State to the Italian Ambassador.

No. 429.]

DEPARTMENT OF STATE,
Washington, January 5, 1907.

EXCELLENCY: Referring to your notes of the 6th^b and 18th^c ultimo, in regard to your apprehension of violence and injury to certain tobacco belonging to your Government or its agents in the State of Tennessee, I have the honor to say that I have received a letter from the governor of that State, dated the 13th ultimo, from which I quote as follows:

I wish to assure you that after the trouble in Kentucky I proceeded to take every precaution possible to prevent like violation of the law in Tennessee. From my investigation I believe that if trouble occurs in Tennessee, or is attempted, it will be on the part of leaders coming from Kentucky, and I think

^a Not printed.

^b Printed in Foreign Relations, 1906, p. 949.

^c Printed in Foreign Relations, 1906, p. 951.

the precautions that have been taken on the part of officials of this State by my direction are such that these parties will be apprehended and captured if they come here, and if Tennesseans attempt such violence they will be apprehended.

Accept, excellency, etc.,

ROBERT BACON.

File No. 2976/6.

The Acting Secretary of State to the Italian Ambassador.

No. 433.]

DEPARTMENT OF STATE,
Washington, January 10, 1907.

EXCELLENCY: Referring to your notes of the 6th and 18th and the department's reply of the 21st ultimo, in regard to certain acts of lawlessness in the State of Kentucky, by which property belonging to the Italian Government or its agents was destroyed, I have the honor to state that the department has received a letter from the governor of Kentucky, under date of the 5th instant, advising it that the courts and officers of that State were doing all in their power to prevent any recurrence of such acts and to punish those who may have been guilty of such violations of the law.

The governor asks this department to assure you that the Kentucky authorities will do everything possible to protect the treaty rights of your Government along the line indicated in the department's note to you of December 21 last.^a

Accept, etc.,

ROBERT BACON.

File No. 2976/8.

Memorandum from the Italian Embassy.

[Translation.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., December 9, 1907.

In the night of December 6-7 last some five hundred armed and masked men invaded the town of Hopkinsville, Ky., took possession of every means of communication, terrorized the citizens, and destroyed property, the value of which is estimated at \$200,000.

The destroyed property includes the factory of the Tandy & Fairley Tobacco Company (incorporated in the State of Delaware), in which was tobacco belonging to the tobacco agency of the Italian Government, worth about \$15,000 (subject to correction one way or the other).

Considering that the strife between the growers' association and the independent growers is as acute as it can be;

That the threatening conditions in the region were a matter of common knowledge, being repeatedly adverted to by the press and especially the local newspapers (The Hopkinsville Kentuckian, The Evening Post, The Clarksville Leaf-Chronicle, The Courier-Journal, of Louisville, etc.) ;

That the royal embassy long ago denounced orally and in writing those conditions to the Department of State from which it received, under date of January 10 of this year, the assurance that "the governor asks this department to assure you that the Kentucky authorities will do everything possible to protect the treaty rights of your Government along the lines indicated in the department's note to you of December 21, 1906;"

That while it is intimated in the said note of December, 1906, the agents of the Italian Government may, like the American citizens, have recourse to the courts, the answer that can be returned to this is that it is not a case of "redress," but of "protection;" protection implying "defense, shelter from evil, preservation from loss, injury, or annoyance" (Webster), while "redress" takes place after the injury only, by way of "deliverance, remedy, relief," and the treaty plainly speaks of "protection." "The citizens of each of the high contracting parties shall receive in the States and Territories of the other the most constant protection and security for their person and property" (Art. III, treaty of February 26, 1871).

On all these grounds the royal embassy deems it its duty to have the Department of State take notice of the lack of protection of Italian property, and to ask that it will ascertain the responsibilities incurred and reserves the right to claim, if and when the occasion arises and in any and every manner warranted by the circumstances, indemnification for the damages, direct and indirect, resulting from that lack of protection.

At the same time the embassy of Italy invokes the protection for which the treaty provides, in the sense of the word in both the English and Italian languages, that is, preventive defense, for the following factories owned by companies which are all incorporated in the State of Delaware and hold tobacco purchased by the Italian Government:

Stahl Tobacco Company, Paducah, Ky.

Griffin & Pitt Tobacco Company, Murray, Ky.

Gardner & Walker Tobacco Company, Mayfield, Ky.

Fields Hamlett Tobacco Company, Fulton, Ky.

John Hodge Tobacco Company, Madisonville, Sebree, Slaughter-ville, and Henderson, Ky.

Hayer, Sory Tobacco Company, Clarksville and Springfield, Tenn.

H. B. Douthit Tobacco Company, Paris, Tenn.

Lewis & Moss Tobacco Company, Martin, Tenn.

From the information at hand in the embassy it appears that the local means of protection for the above-named factories (police, fire, brigade, etc.) are, with the possible exception of Clarksville and Paducah, far below those available at Hopkinsville.

File No. 2976/9.

Memorandum to the Italian Embassy.

DEPARTMENT OF STATE,
Washington, December 20, 1907.

The Department of State has received the memorandum of the Italian embassy, reporting the destruction of tobacco belonging to the Italian Government in a riot at Hopkinsville, Ky., and express-

ing anxiety lest other tobacco belonging to that Government at certain other points named in the memorandum may be destroyed.

With a view to procuring all possible protection for the property interests of the Italian Government under the regrettable circumstances stated in the embassy's memorandum, a copy thereof has been communicated to his excellency the governor of Kentucky, and that authority has been requested to report fully upon the situation and the measures which have been or may be adopted by the State for the maintenance of order in that neighborhood.

In this connection, the Department of State has recalled to the attention of the present governor of Kentucky the similar occurrences in the same region a year ago and the assurances then made by his predecessor, Governor Beckham, that the Kentucky authorities would do everything possible to protect the treaty rights of the Italian Government along the lines suggested in the department's letter of December 21, 1906, to the Italian ambassador. The department expresses the hope that the efforts taken to protect these interests at the present time may be such as to prove entirely effective.

File No. 2976/9.

Memorandum to the Italian Embassy.

DEPARTMENT OF STATE,
Washington, December 23, 1907.

The Department of State has received a telegram from the governor of Kentucky referring to its letters of December 17^a and its telegram of December 20,^a by which the contents of the memorandum of the Italian embassy of December 9 regarding the protection of tobacco belonging to the Italian Government in Kentucky was communicated to the governor of that State.

The governor advises the department that he is of opinion that there is now no danger of a recurrence of the disturbances referred to in the memorandum. He adds, however, that he has ordered careful investigation into the condition of affairs, and in case there is any need of protection that he will take prompt measures in any of the places mentioned to guard the interests of the Italian Government.

COMMERCIAL AND NAVIGATION TREATY BETWEEN ITALY AND
RUSSIA.

File No. 2074/11-13.

Chargé Hitt to the Secretary of State.

[Extract.]

No. 218.]

AMERICAN EMBASSY,
Rome, November 20, 1907.

SIR: I have the honor to transmit herewith an extract, in triplicate, from the Tribuna newspaper of the 16th instant containing an announcement by the semiofficial Stephani News Agency of the pro-

visions of the recently signed commercial treaty between Italy and Russia, together with a French version of the same and a translation of the Italian text.

From this article it appears that the present reduced duty of 24 lire per hundred kilograms on petroleum will be maintained until January 1, 1911, when a further reduction to 16 lire will take place, and that Russian exporters shall be entitled to have their petroleum appraised by volume as well as weight on the basis of 125 liters as the equivalent of 100 kilograms.

Italy also accords the maintenance of the existing duties on grain.

In return she secures a reduction of some 36 per cent in the customs duties on her acid fruits, such as oranges, lemons, limes, etc., and a fixed rate of 8 rubles per pud on raw silk to take the place of the rates of the new Russian tariff, which are 10 rubles for the first three years, 20 for the next two years, and 30 thereafter. Italy also secures proportionate reductions on manufactured silk.

Russia further undertakes to accord to Italy all the favors with respect to silk which she may in the future grant to bordering Asiatic nations, which are at present Italy's principal rivals in this industry. Italian silk spinning is further protected by an undertaking on the part of Russia to impose no export duties on cocoons.

There is also a slight reduction on olive oil, and Italian coral is to enjoy the rate of 2 rubles per pound, already granted to France, in place of the 10-ruble rate.

Furthermore, the existing rates on marbles, tartar, and sumach are not to be increased.

I also include with the Italian extract as to the treaty an interview thereon with Mr. Luigi Luzzatti, who was minister of the treasury in the Sonnino cabinet and who is one of the foremost political economists of Italy.

I have, etc.,

R. S. REYNOLDS HITT.

[Inclosure.—Translation.]

Stephani's Agency communicates the following:

At the next renewal of the labors of Parliament the treaty of commerce between Italy and Russia, signed at St. Petersburg June 27 last, will be presented.

This treaty, similar in its general lines to those lately entered into by Italy and Russia with the other European powers, is the first tariff treaty concluded with us by Russia, which has up to a few years ago hitherto maintained in all its treaties the autonomy of its own customs tariff.

Of the two tariffs appended to the new treaty, that for importations into Russia relates to acid fruits (such as oranges, lemons, limes, etc.), silk, olive oil, marbles, coral, tartar, and sumach.

Special duties in favor of Italy are stipulated for with respect to acid fruits, silk, and oil.

The duty on acid fruits is lightened by 36 per cent, being reduced from 1.57½ rubles per pud to 1 ruble.

For raw silk, on which the duty of 3 rubles per pud would be increased under the new general tariff to 10 rubles for the first three years, 20 for the next two years, and 30 after the fifth year, a fixed duty of 8 rubles is established during the whole duration of the treaty.

The new general duties on manufactured twisted silk are reduced proportionately.

Both in favor of acid fruits and of silk Russia further undertakes to extend to Italy, at once and unconditionally, the favors which she may accord in the future, in modification of the status quo, to adjacent Asiatic countries, whereby,

with respect to these countries, the conservation of the conditions which have enabled Italy up to the present to hold in the Russian market the first place in the commerce in these products remains assured.

With respect to olive oil, as to which the last Franco-Russian convention did not guarantee to France the preexisting reduction from 3.30 to 2.97 rubles, a reduction to 3.10 has been agreed upon beginning with January 1, 1911, up to which date the duty in force is binding.

For coral the reduction made to France from 10 to 2 rubles per pound ($\frac{1}{2}$ kilo) is assured.

Likewise for marbles, tartar, and sumach the general and conventional duties in force are obligatory.

The new treaty also protects our silk spinning, insuring for the cocoons exemption from Russian export duties.

As the equivalent of these concessions, Italy accords the maintenance of the general duties in force on mineral oils and on grain, namely, wheat, rye, oats, barley, and other grain, undertaking to reduce from January 1, 1911, the duty on light mineral oils from 24 to 16 lire, and according in the case of petroleum the right of appraisement by volume on the basis of 125 liters to the quintal (100 kilograms).

In all other respects the Italian tariff remains unchanged.

By the new treaty the two States undertake to negotiate special conventions for the protection of artistic and literary property and for that of industrial property.

Matters relating to transit, to prohibitions of importation and exportation, to internal taxes on production, and those concerning navigation, are regulated as in the other latest treaties.

The new treaty is to enter into force one month after the exchange of ratifications, for which the maximum delay is fixed at December 26 next. It will remain in force until December 31, 1917, and unless denounced one year previous to that date will continue to be in effect by tacit renewal from year to year.

File No. 2074/17-18.

Ambassador Griscom to the Secretary of State.

No. 252.]

AMERICAN EMBASSY,
Rome, January 3, 1908.

SIR: With reference to my dispatch No. 231,^a of the 3d ultimo, relative to the new treaty of commerce and navigation between Italy and Russia, I have the honor to transmit herewith copies^a of No. 370 of the Official Gazette of December 30, 1907, containing the text of the said treaty.

I have, etc.,

LLOYD C. GRISCOM.

CONSULAR JURISDICTION OVER ESTATES.

File No. 6580/-3.

Ambassador Griscom to the Secretary of State.

No. 53.]

AMERICAN EMBASSY,
Rome, April 29, 1907.

SIR: I have the honor to send you herewith inclosed a copy, together with a translation, of a decision of some interest by the supreme court of cassation of Rome in a case which arose between Mr. de Castro, consul-general of the United States, and a Mrs. Rebecca Dawes Rose. The circumstances were in brief as follows:

^a Not printed.

In November, 1904, an American citizen, Mrs. G. I. Johnson, of Cleveland, Ohio, died of pneumonia at Mrs. Dawes Rose's boarding house in the city of Rome, and as Mrs. Johnson's only heirs then in Rome left the city a few days after her death the consul-general assumed the administration of the estate. In the course of settling the claims against the estate the consul-general paid to Mrs. Dawes Rose an item of lire 184, for disinfection of the premises occupied by Mrs. Johnson. Having subsequently been informed that such disinfection was not obligatory and was not prescribed by the sanitary regulations of Rome, and that when disinfection is required it is done by the sanitary authorities at a nominal cost, the consul-general requested Mrs. Dawes Rose to refund the sum of lire 184 which he had paid her. She refused to comply with the request, and he thereupon cited her before the pretore of the third district of Rome. Without entering into the merits of the case, the pretore held that Mr. de Castro had not acted as consul-general of the United States, but merely as a private agent or attorney of the Johnson heirs. The case was taken before the civil tribunal of Rome and the pretore's judgment was upheld, and the consul-general was ordered to pay the costs. The consul-general thereupon refused to comply with the judgment of the court directing him to pay the costs. At this point in the case the matter was brought to the attention of my predecessor, Mr. White, with a view through his intervention to secure an amicable settlement and to prevent an execution by the court upon the private effects of the consul-general. I inclose for your information a copy of the statement of the case, prepared by the consul-general for Mr. White, and a letter addressed by Mr. White to the consul-general on September 3, 1906. Mr. White was able to arrange with the minister for foreign affairs that no action should be taken by the lawyers of Mrs. Dawes Rose on the writ of execution until the judgment of the court of cassation, to which the case had been appealed, should be rendered.

The judgment of the court of cassation was rendered on the 4th of February last. After reciting the facts the court of cassation takes up the finding of the lower court and "on the first count observes: That the judgment in appeal held that De Castro when he paid Mrs. Rose the 184 lire did not act as consul-general, but as agent of the Johnson heirs, and stated that the agency being void De Castro had no right of action. But the tribunal forgot to state the reasons for which it affirmed the existence of a supposed agency, nor did it give any which in its opinion deprived De Castro from his character of consul when he acted in the interest of the Johnson estate in the absence of the heirs. The tribunal only said that in order to retain his official capacity it was not enough that he should have written on official paper bearing the consular heading and signed with his own due qualification, but the tribunal was not able to designate what other acts, forms, or signs should have been necessary in order that his diplomatic qualification be considered as superseding that of any private individual in making his demand and in his asked for intervention in the affairs of the Johnson estate. It was necessary to bear in mind that Mrs. Johnson died intestate and that her heirs were not only her two children present at her death, but also the husband and two other children absent from Rome, and also that the former left Rome two days after the death.

“The judgment is therefore defective for the two reasons above stated.

“Upon the second finding the court observes: That the tribunal has erroneously defined the capacity of Consul de Castro declaring him a private attorney. The American consul paid the amount not due to Mrs. Rose when none of the Johnson heirs were in Rome (that is, two days after their departure) and the consul paid as consul representing the Johnson estate; he paid as administrator of affairs and not as an attorney of private individuals or as a private individual, not as a third party, but as the true and legitimate representative of the persons interested by virtue of the capacity inherent to his consular office; therefore as such and as *gestor negotiorum* recognized by the conventions, he paid 184 lire not due to Mrs. Dawes. He holds, therefore, the *conditio indebiti*—and even though at the time of their departure two of the five Johnson heirs told Mrs. Dawes that she might apply to the consul for the settlement of her claims, they did not by that appoint De Castro as their private attorney, but as the legal representative of the estate—and as such, indeed, he intervened, and it is not presumable that he divested himself of his quality precisely when he had to carry out acts inherent to his legal functions and comprised in the sphere of his office.

“In regard to the third finding it is observed that the fundamental error of the judgment lies in having denied that the consul-general had, by virtue of the law and the treaties, the power to bring before an Italian magistrate, and without special power from the heirs, an action for the recovery of an undue payment interesting the estate, said action being directed to reestablish the integrity of the estate as it was left.

“The judgment miscomprehended the consular convention established between the United States of America and Italy in 1878, securing for the contracting parties the treatment of the most-favored nation and empowering by right the consuls to represent judicially in certain cases the estates of their respective citizens, whether one considers France by her convention of July 26, 1862, or Russia by her convention of April, 1875, to be the most-favored nation. It is a fact that by virtue of article 9 the powers of the consuls are established as follows: (a) To place and remove seals; (b) to prepare inventories; (c) sell perishable goods; (d) to care for and deposit funds and incomes of the estate; (e) to ascertain, to collect, and to settle claims; (f) to administer and to represent also judicially the estate; and to this effect the convention adds:

In all questions arising from the publication, administration, and liquidation of estates of citizens of one of the two countries in the other the respective consul-generals, consuls, and vice-consuls will represent by full right the heirs and shall be recognized officially as their attorneys without being obliged to justify their mandate by a special power.

They may consequently appear in person or by attorneys, chosen among such as are so authorized by the legislation of the country, before the competent authorities, to take charge in every case concerning the estate, of the interests of the heirs, by prosecuting their rights or answering the claims against them.

“From these words the understanding clearly arises that when the succession of a foreigner is opened in Italy it is the consular representative of the foreign nation itself who undertakes for him to do everything, and not only to administer his property but to

liquidate it in order to be able to hand it over to the heirs within a period of time of not less than six months. This is the scope of power which the national law assumes toward its own citizens, and this is the scope of power delegated by the nation in its turn to its consular agents.

“For this reason it is obvious that the consul during the period of liquidation may also bring an action for the recovery of unlawful payments. From the moment that he is the administrator and the legal representative of the estate in Italy, in the absence of heirs and in cases contemplated by the conventions, it follows that judicially in him resides the *universum ius* and that during that period he may, or should, bring any action in Italy interesting the heirs.

“Whereas by these arguments it appears useless to examine the last motive the judgment must be annulled, and so it is decided.”

I have, etc.,

LLOYD C. GRISCOM.

[Inclosure.—Translation.]

FACTS.

At the end of 1904 a Mrs. G. I. Johnson, an American citizen, located in Rome, with two of her children, at a pension kept by a Mrs. Dawes Rose. On the 25th of January, 1905, Mrs. Johnson died from pneumonia, and two days later Mrs. Dawes presented to the son of the deceased a bill made out to his name and including board and disinfection of the room, disinfection amounting, it was claimed, to 184 lire.

Mr. de Castro, consul-general of the United States, by letter of January 28, 1905, sent to Mrs. Dawes 579 lire, the aggregate amount of the bill of Mr. Johnson's. Having ascertained, however, from the health office that no disinfection had been applied for nor had been made by said office, and that such disinfection was not compulsory in view of the disease, he cited Mrs. Dawes before the royal pretore of the third district of Rome demanding restitution of the 184 lire paid by mistake, and he offered to prove that said sum had been demanded from him by Mrs. Dawes as representative of the Johnson heirs. Mrs. Dawes objected that the matter was a private one of Mr. Johnson's and not one concerning the estate of the deceased, and that consequently the consular convention could not be properly applied to the case; even though Mr. de Castro when paying had exercised his official function his powers were at an end and the claim of repayment should be made, if at all, by the Johnson heirs or by a duly empowered attorney; finally, that the present case was one of those contemplated by the conventions. So much for lack of right of action. As to the merits, the demands of De Castro were said to be without foundation.

JAPAN.

TREATY BETWEEN JAPAN AND FRANCE RELATING TO THE FAR EAST.

File No. 6351/2.

Memorandum from the French Embassy.

FRENCH EMBASSY,
Washington, May 10, 1907.

The intended understanding between France and Japan is not yet signed. The object is the territorial statu quo in the extreme East, the equality of treatment of all powers, and the integrity of China. While protecting our interests in Indo-China, nothing but clauses favorable to general peace and the interests of all powers in eastern Asia will be contained in it. Far from having any cause of anxiety in this respect, the United States, to whom we are bound by a tried and faithful friendship, can only approve of it. You can speak in this sense to President Roosevelt.

File No. 6351/18-19.

Ambassador White to the Secretary of State.

[Extract.]

No. 43.]

AMERICAN EMBASSY,
Paris, June 19, 1907.

SIR: I have the honor to inclose herewith a translation of the treaty recently concluded between this country and Japan.

I have, etc.,

HENRY WHITE.

[Inclosure.—Translation.]

ARRANGEMENT.

The Government of the French Republic and the Government of His Majesty the Emperor of Japan, animated by a desire to fortify the friendly relations existing between them and to avert for the future all cause of misunderstanding, have decided to conclude the following arrangement: The Governments of France and of Japan have agreed to respect the independence and integrity of China, as well as the principle of equality of treatment in that country for the trade and subjects of all nations; and, having a special interest in seeing that

order and a pacific state of things be guaranteed, notably in the regions of the Chinese Empire in the vicinity of the territories where they have rights of sovereignty, of protection, or of occupation, undertake to support each other in order to assure peace and security in those regions, in view of maintaining the respective position (*la situation respective*) and the territorial rights of the two contracting parties on the Asiatic continent.

DECLARATION.

The two Governments of Japan and France, reserving the right to engage in *pourparlers* with a view to the conclusion of a commercial convention concerning the relations between Japan and French Indo-China, agree as follows: The most favored nation treatment will be granted to the officials and subjects of Japan in French Indo-China for everything concerning their persons and the protection of their property, and the same treatment will be applied to the subjects and protégés of French Indo-China in the Empire of Japan, and this until the expiration of the treaty of commerce and navigation signed between Japan and France on August 4, 1896.

File No. 6351/23-34.

Ambassador Wright to the Secretary of State.

[Extract.]

No. 318.]

AMERICAN EMBASSY,
Tokyo, June 28, 1907.

SIR: Referring to my dispatch No. 256 of May 15 last,^a I have the honor to inclose to you herewith the official text of the Franco-Japanese agreement signed on the 10th instant, which is in French and was published here on the 17th instant. I inclose also an English translation of this text and published interviews with M. Gerard, French ambassador here, Viscount Hayashi, minister for foreign affairs, and Mr. Takahashi, vice-governor of the Bank of Japan, all upon the subject of this agreement. I further inclose an official telegraphic summary of the speech of M. Pichon, French minister for foreign affairs, made after reading this agreement in the Chamber of Deputies, and a number of editorial comments giving the opinions of the principal Japanese newspapers.^a

It will be noted that the new Franco-Japanese agreement is extremely brief. By it the Governments of Japan and France agree to respect the independence and integrity of China, as well as the principle of equal treatment there for the commerce and subjects or citizens of all nations. They declare also that they have a special interest to have order and a pacific state of things preserved in the regions of China adjacent to the territories where they have the rights of sovereignty, protection, or occupation, and they accordingly engage to support each other to assure the peace and security of these adjacent regions of China, with the object of maintaining their own respective situations and territorial rights in the continent of Asia. The actual engagement included in this agreement is accordingly very limited in scope. Nothing is stated in it as to the nature of the support which each engages to furnish to the other for the object stated, and there is no specific guarantee of the respective territorial rights of each nation, though a recognition of them is implied.

I have, etc.,

LUKE E. WRIGHT.

^a Not printed.

[Inclosure 1.]

[The Japan Times, Tokyo, Friday, June 21, 1907.]

VISCOUNT HAYASHI ON THE FRANCO-JAPANESE AGREEMENT.

The minister for foreign affairs interviewed by the Jiyu Tsushin on the recently concluded agreement spoke as follows:

In the course of the formation of an agreement between two nations it happens that the interest of a third power is connected with such an agreement, and often excites the feeling of jealousy and misunderstanding; but with regard to the present Japan-French agreement, there will not be any power that feels any sense of uneasiness. Previous to the publication of this agreement newspapers reported that China entertained various erroneous conceptions with regard to the matter, but the chief object of the agreement is to respect the sovereignty of China, the very keynote of oriental peace, and the preservation of her territories. Actuated by this principle the spirit of the Anglo-Japanese alliance is maintained so that the authorities in China must no doubt be contented with the arrangement. Other powers which have interests in eastern Asia will not entertain any feelings of doubt and apprehension, seeing that the spirit of the agreement is based upon the principle of justice, and of allowing equal opportunities to all powers, in order to secure the permanent peace in the Orient. Peace has been the policy of the Japanese diplomacy, and the imperial message given to Mr. Tsuzuki, our ambassador to the peace conference at The Hague, gave publicity to this great principle before the world. Japan was forced to mobilize her forces in late wars for the realization of this principle. The so-called "armed peace" is not the policy of Japan, but peaceful defense is her motto. Since the late war, numerous misconceptions and errors have been held concerning Japan's policy in the continent of Asia. The authorities in Japan availed themselves of every chance and opportunity to declare and set forth the sincerity of Japan before other powers. The present Japan-Russian agreement is an embodiment of this fundamental principle of her diplomacy. Not only with France, but with other powers whose interests are closely allied with oriental peace, Japan will be actuated by the same principle that she has manifested on this occasion and will not hesitate to contribute her full share to the great and glorious cause of oriental civilization.

M. PICHON'S SPEECH.

The Japanese ambassador at Paris wires:

M. Pichon, the foreign minister of France, on June 15, replying to an interpellation by Count Casterra in the Chamber of Deputies, read the whole of the Franco-Japanese arrangement and declaration, and said that the agreement would permanently assure the peace of Asia and interests of both countries. He proceeded to say that some persons had suspected and declared Japan to harbor ambitions of other countries. By concluding the agreement, Japan swept away these suspicions and false charges and showed that she had no intention to disturb or change the state of things in the Far East. The mutual support the two Governments had promised each other was perfectly peaceful in spirit, purpose, and method. This agreement did not go alone, but was connected with the Russo-Japanese negotiations to be concluded before long with the same spirit and purpose, and supplemented the Anglo-Japanese alliance, Anglo-French entente, and dual alliance. The agreement would also promote the political interests of Germany, Austria, Italy, and the United States in China. After explaining the declaration the foreign minister said that there was no need of dwelling on the obvious reasonableness of the declaration. It was a long time ago that Japan acquired the right to be regarded as a world power. In particular, when the civilized nations endeavored to assure peace and order in China in connection with the outbreak of seven years ago, Japan obtained the right to be a member of the comity of the powers by dint of her great exertion. The minister considered himself to be entitled to a special privilege to declare this fact on account of the official post he held at the time. If Japan did not cooperate with other countries, he would certainly have not been able to appear on the rostrum and deliver his speech to-day. In conclusion, the minister said that in the present century, European politics having given place to world politics, the agreement gave a new guaranty to

the peaceful enterprises of France and territories of both countries in Asia and promoted the common interests of the powers. The minister, on behalf of the French Government, asked the chamber to accept the agreement.

The chamber then expressed its approval of the agreement with a perfectly unanimous vote.

[Inclosure 2.]

[The Japan Daily Mail, Yokohama, Wednesday, June 19, 1907.]

THE FRANCO-JAPANESE "ENTENTE."

[Extract.]

The document embodying the Franco-Japanese entente is very carefully worded, as might have been expected. It will disappoint some politicians, inasmuch as it contains no direct mutual guaranty for the preservation of the territories of the high contracting parties in East Asia. Some such clause was looked for in certain quarters, but the expectation was scarcely reasonable, seeing that it would have amounted to a virtual treaty of offense and defense. On the other hand, this status quo is constructively recognized in clear terms, since the two States engage to support each other for assuring peace and security in regions adjacent to the territories where they have rights of sovereignty, protection, or occupation. This amounts to an implicit though not an explicit recognition of such rights, and therefore the arrangement may be said to engage the two powers not only to support each other in averting everything that might threaten those rights, but also to recognize the rights themselves. The document sets out by pledging its signatories to respect the independence and integrity in China as well as the principle of equal treatment for all, and thus we are brought face to face with the interesting fact that Japan, who was at one time invested with such disquieting potentialities as the hypothetical leader of the Yellow Peril, now joins hands with Europe in measures which are precisely calculated to exercise the phantom. The pourparlers which prefaced the arrangement are said to have commenced last November, and the actual negotiations date from the following March. The document itself contains nothing relating to matters of commerce. This omission has been already explained on the ground that all such questions must of necessity fall under the purview of the French chambers, but in a declaration there is an engagement of much value to Japan, namely, that her subjects in Indo-China shall be free from all the disabilities under which they have hitherto labored in the prosecution of their enterprises there. In short, whereas, when visiting France's East Asian dominions, they have up to the present been classed as Asiatics, and in that capacity have been injuriously discriminated against, they will henceforth be on the same footing as French citizens. This is a most important feature of the arrangement, for it comes just at a time when the great Republic of America and of other western nations are showing a practical indisposition to adopt this liberal line toward Japan.

File No. 6351/42.

Minister Rockhill to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, August 22, 1907.

(States that China has made formal protest to France and Japan against the clause in a recent agreement between them which provides for mutual support in the maintenance of peace and order in the parts of China adjacent to their territories, and says that China states that the matter pertains to her alone. Mr. Rockhill adds that the protest has not been replied to.)

File 6351/43.

Minister Rockhill to the Secretary of State.

[Extract.]

No. 707.]

AMERICAN LEGATION,
Peking, August 22, 1907.

SIR: I was informed yesterday that the Chinese Government had, four days ago, sent a note to the French and Japanese chargés d'affaires stating that China took exception to the clause of the Franco-Japanese agreement of June 10 last, in which it is said that, "having a special interest to have the order and pacific state of things preserved, especially in the regions of the Chinese Empire adjacent to the territories where they have the rights of sovereignty, protection, or occupation (the Governments of France and Japan), engage to support each other for assuring the peace and security of those regions, etc." The Wai-wu Pu stated in its note that the maintenance of peace and security in the portions of the Chinese Empire referred to was the concern of China, and of no other power.

It appears probable that this protest is due to the representations recently made by the Viceroy Yuan Shih-k'ai in his memorial to the Throne (see my dispatch No. 696, of August 15), one paragraph of which had reference to the Franco-Japanese agreement in its relation to China.

The chargés d'affaires of France and Japan have referred the note of the Wai-wu Pu to their respective governments.

I have, etc.,

W. W. ROCKHILL.

File No. 6351/44.

Minister Rockhill to the Secretary of State.

[Extract.]

No. 708.]

AMERICAN LEGATION,
Peking, August 28, 1907.

SIR: In further reference to my dispatch No. 707, of the 22d instant, informing you of the Chinese Government having protested to the French and Japanese Governments against certain portions of the agreement signed by these powers on June 10 last, I have the honor to inform you that I asked yesterday His Excellency Lü Hai-huan, minister of the Wai-wu Pu, if his Government had received explanations from the Governments of France and Japan satisfactorily removing any apprehension it might have as to the meaning and scope of the agreement in question.

He informed me that on Friday last (23d) the French chargé d'affaires had handed him a note from his Government explaining most fully and satisfactorily the agreement, and stating that nothing in it was to be understood as derogatory to the majesty of China or infringing its sovereign rights.

His Excellency Lü did not mention having received like assurance from the Japanese chargé d'affaires, or that he had been to the Wai-wu Pu to offer any. I know, however, that the Japanese chargé d'affaires called at the Wai-wu Pu at the same time as the French, and presumably for the same purpose.

I have, etc.,

W. W. ROCKHILL.

TRANSIT THROUGH UNITED STATES TERRITORY OF CRIMINALS
AND FUGITIVES FROM JUSTICE IN COURSE OF EXTRADITION
FROM ONE FOREIGN COUNTRY TO ANOTHER.

File No. 4904.

Memorandum from the Japanese Embassy.

IMPERIAL JAPANESE EMBASSY,
Washington, January 21, 1907.

When a foreign functionary or a foreign vessel comes into a harbor or roadstead of a country with a criminal or a fugitive from justice on board, for the purpose of extraditing him to a third power, the territorial sovereign, it is assumed, will, on general principles, have the right to demand that the person under arrest be set at liberty.

The department of justice of the Imperial Government has requested this embassy to ascertain what is the practice of the United States in reference to the transit through its territories of criminals and fugitives from justice on their way of extradition from one country to another.

File No. 4904.

Memorandum to the Japanese Embassy.

DEPARTMENT OF STATE,
Washington, March 2, 1907.

The Japanese embassy has requested, in its memorandum of January 21, 1907, a statement of the practice of the United States in reference to the transit through its territories of criminals and fugitives from justice in course of extradition from one foreign country to another. The memorandum states that in such cases "the territorial sovereign, it is assumed, will, on general principles, have the right to demand that the person under arrest be set at liberty."

In consequence of the theory of English and American jurisprudence regarding the territoriality of crime, no person can lawfully be arrested or held in custody in this country for a crime committed outside of its jurisdiction, except as provided by statute or by treaty.

The laws of the United States contain no provision authorizing the detention or custody of a fugitive in transit between two foreign countries from which and to which he is being extradited, and the only authority for such detention would, therefore, be a provision of treaty. The only treaty to which the United States is a party which provides for the question of transit is the treaty with Mexico. In other cases, even though the government to which the fugitive is being returned may have a treaty in force with the United States covering the crime for which the fugitive is being surrendered, this Government is bound to surrender such person only upon compliance with the treaty requirements, which are not fulfilled in the ordinary case of transit across its territory. Therefore, the only way a prisoner under such circumstances can, in the full strictness of the law, be conveyed across United States territory is for the demanding government to institute formal extradition proceedings in this country in accordance with treaty requirements.

The existence of this rule in other countries has sometimes necessitated the making of special arrangements for the return of a fugitive where the vessel conveying him must stop at an intermediate port. In one case the department applied, through the diplomatic channel to the Government of the authorities of such port, for the provisional detention of the fugitive, in case he should attempt to secure his release upon *habeas corpus* or analogous proceeding. Once in a case of transit across the Isthmus of Panama in 1888, the fugitive was permitted to escape altogether. (For. Rels., 1878, p. 151.)

Many of the States of Europe and South America have enacted laws so as to permit transit through their territory upon more or less liberal conditions. Some provisions stipulate that the request shall be made through the diplomatic channel, and some require the presentation of the documents forming the basis of the demand for the extradition. In England the practice is the same as in the United States. In 1878 the American minister at London was told by the British foreign office, regarding the contemplated transit through British jurisdiction of an American fugitive surrendered by Portugal to the United States, that if he were landed in England he would be "entitled to apply for a habeas corpus, and if the judge decided he was not in lawful custody, he would be set at liberty."

The question of the amendment of our extradition statutes so as adequately to cover the situation under discussion has twice been made the subject of recommendations to Congress by the President. In his second annual message of December 6, 1886, President Cleveland said:

Experience suggests that our statutes regulating extradition might be advantageously amended by a provision for the transit across our territory, now a convenient thoroughfare of travel from one foreign country to another, of fugitives surrendered by a foreign Government to a third State. Such provisions are not unusual in the legislation of other countries, and tend to prevent the miscarriage of justice.

And President McKinley, in his second annual message of December 5, 1898, renewed the recommendation of his predecessor (Rich. Messages, vol. 10, p. 187), but no legislative action resulted in either case.

The foregoing observations, it will be noted, have been addressed to the strict question of law, as to whether or not the Government has a *right to demand* that a fugitive, under the circumstances stated, be set at liberty. A distinction is, however, made in practice between the existence of this right and its exercise by the United States. This department, as a matter of practice, does not in these cases interfere to secure liberty for a prisoner by reason of a technical violation of its jurisdiction, but leaves the prisoner to avail himself of the remedy afforded by the laws, without any interference or suggestion upon its part. As an instance of the department's attitude it may be stated that twice in recent years, when application has been made by the British ambassador, on behalf of Canadian authorities, for leave to take prisoners through United States jurisdiction from one part of Canada to another, the department has stated that it was not disposed to object to such transit, but that it reserved entire freedom of action in the event of an appeal being made to it on behalf of the prisoners, and that, moreover, its failure to object was not to be regarded as a precedent.

The department's conclusion upon the question propounded is, therefore, that although the United States reserves at any time a right to object to the transit of fugitives in course of transportation between third States, this is a right which is in practice left to be invoked by the party in appropriate judicial proceedings, and not by this Government in the first instance.

MARRIAGE OF FOREIGNERS IN JAPAN.

File No. 6241.

Ambassador Wright to the Secretary of State.

No. 204.

AMERICAN EMBASSY,
Tokyo, March 22, 1907.

SIR: I have the honor to report that shortly after the coming into force of the treaty of 1894 between the United States and Japan, namely, in May, 1900, a religious marriage between American citizens was solemnized at Tokyo by an American missionary bishop in the presence of the American deputy consul-general. The then newly promulgated codes of Japan being the subject of much difference of construction, especially as to the applicability of certain of their provisions to foreigners resident in Japan, the question of the necessity of the registration of such marriage arose. Article 775 of the Japanese civil code (Lonholm's translation) reads:

A marriage takes effect upon its notification to the registrar. The notification must be made by the parties concerned and at least two witnesses of full age, either orally or by a signed document.

As to *form* the customary Japanese marriage ceremony is not religious, and consists simply of a declaration of the contract in the presence of witnesses.

The opinion of one of the most eminent Japanese barristers (Mr. R. Masujima) was taken and he advised that this article did not apply to foreigners in Japan. For further security the parties concerned caused formal inquiry to be addressed to the registrar of Kiobashi Ky, Tokyo, within whose jurisdiction the marriage was contracted. On May 8, 1900, that officer replied that no report was required to be made to the registrars of Japan when each party to the marriage was a foreigner and the marriage ceremony was celebrated in accordance with the law of their countries.

Up to the latter part of 1906 our consular officers in Japan continued to issue certificates of marriage contracted in their presence in the form prevailing here previous to the operation of the treaty of 1894 (July 17, 1899). A like course, and without registration at the local Japanese office, I am informed, has been followed by British and other foreign consular officers in Japan.

Such marriages of Americans during that period, I am informed, were in all cases solemnized by religious ministers or priests. In October, 1906, however, two American citizens of the Jewish faith at Yokohama desired to intermarry and insisted that the ceremony should be in accordance with the forms of their religion or, failing that, in a form of a purely civil character. There was then no Jewish

rabbi available in Japan and the problem was brought to my attention by Vice-Consul-General Babbitt in a letter dated October 17, 1906, a copy of which is herewith inclosed.

Upon inquiry I learned that the opinion among officials of the Japanese foreign office and of the Department of Justice was that article 775 of the civil code, quoted above, applied to all persons domiciled in Japan, except where otherwise provided by treaty and, in this connection, attention was called to section 13, of the Japanese law concerning the application of laws in general, a translation of which by Lonholm reads as follows:

The requisites of a marriage are governed as to each party by the law of his or her nationality. As to the forms, however, the law of the country where it is celebrated governs.

It thus becomes apparent that a serious difference of opinion had existed between executive officers of the Japanese Government as to the scope of the term "forms" as applied to foreigners domiciled here and, pending a solution of the question by some authoritative judicial decision, and to provide against possible complications in future cases, I replied to Vice-Consul-General Babbitt, under date of November 2, 1906:

First. That American consular officers in Japan have no authority to perform a civil marriage ceremony.

Second. That a civil marriage, consented to and announced by parties competent to contract it, in the presence of two or more witnesses, and duly registered before the proper local Japanese registrar, would be in accordance with the laws of Japan and would be held as lawful and binding in the United States and elsewhere.

Third. The contracting parties may, at the time of such civil marriage, add to the form of the contract such ceremonies and forms as may be dictated by their religious belief.

The consular officer can then certify as to the forms followed and that the marriage has been contracted in accordance with the laws of Japan. I inclose a form of certificate to be used in such case. The Japanese authorities being now willing to register marriages between foreigners in Japan, I suggest that it will be your duty in the future to see that all marriages of Americans in your presence, where your official certificate is desired, are duly registered by the proper local Japanese authority.

It is desired that you will furnish copies of this letter to the several consular officers subordinate to your consulate-general for their guidance.

A full copy of this letter is herewith inclosed.

Since this letter to Mr. Babbitt all marriages between Americans in Japan, I believe, have been registered both at the consulate and at the local registry office. The consul-general at Yokohama, after frequent consultations with the authorities there, has finally succeeded in preparing forms in Japanese and English that meet with official approval, and under date of yesterday has transmitted to me copies thereof and a copy of the form of his official certificate now in use.

Copies of this letter and forms of my reply are herewith inclosed.

I have, therefore, this day addressed letters to the American consuls at Kobe, Nagasaki, and Tamsui, and to the consular agent at Hakodate, in the following words:

With a view to securing uniformity of practice and for the purpose of removing any possible doubt as to the regularity of the mode of celebration and registration of marriages of American citizens in Japan, and in view of the fact that the Japanese authorities will now register such contracts, I inclose herewith for your information and guidance forms of consular certificate and of necessary documents in the Japanese language, which, after consultation with this embassy, are now in use at the consulate-general at Yokohama.

Your particular attention is called to that part of the consular certificate which, to achieve the object sought now states that the contracting parties were "united in marriage before me, and in my presence, and in that of _____, who performed the ceremony, and that such marriage has been duly registered, and is in accordance with the laws of Japan;" and you will notify any American citizens who may apply to you in contemplation of marriage of the importance of complying with the formalities necessary to effect registration in Japan before the issuance of your certificate.

A copy of this communication is herewith inclosed.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure 1.]

Vice-Consul-General Babbitt to Ambassador Wright.

No. 1258.]

AMERICAN CONSULATE-GENERAL,
Yokohama, Japan, October 17, 1906.

SIR: Mr. M., an American citizen of Jewish faith, born in Mississippi and with a legal residence in that State, but now a resident of Yokohama, desires to be married here.

There being no rabbi at this port, certain of the Jewish community have appointed Mr. Maurice Russell rabbi pro tem., "to perform such functions as may be required of him." A certificate of appointment, accepted by Mr. Russell, is inclosed herewith, and I have the honor to request that I be advised if a marriage ceremony performed by him will be considered legal and will permit the issuing of a marriage certificate by me.

This procedure was followed in the marriage of Mr. R. before Consul-General Bellows, April 8, 1904, by "Rabbi pro tem." L. Abenheim, elected for that purpose by the Jewish Benevolent Society, as in the present case. A copy of certificate issued herewith.

I am told that this question came before Consul-General Miller, who declined to sanction the marriage, not being assured that the Jewish Benevolent Association had the authority to appoint a rabbi empowered to perform the marriage ceremony, and I do not care, without higher authority, to act in opposition to Mr. Miller's judgment.

I am, etc.,

E. G. BABBITT.

[Subinclosure.]

YOKOHAMA, October 15, 1906.

We, the undersigned, representing the Jewish Benevolent Association and acting on behalf of the Jewish community in Yokohama, do appoint Mr. M. Russell to act as rabbi pro tem. to perform such functions as may be required of him.

(Signed)

SEIGFRED KOMOR.
J. H. ROSENTHAL.
H. S. BLUM.
S. ISAACS.

I accept the position as mentioned above.

(Signed) MAURICE RUSSELL,
President.

[Inclosure 2.]

Ambassador Wright to Vice-Consul-General Babbitt.

No. 60.]

AMERICAN EMBASSY,
Tokyo, November 2, 1906.

SIR: I have to acknowledge the receipt of your letter, No. 1258, of October 17, 1906, in which you ask instructions as to your authority to certify to the capacity of Mr. Maurice Russell to solemnize a marriage between American citizens at Yokohama, he having been appointed acting rabbi by the leading

Jewish residents of that place. It appears also that the parties concerned desire to contract a civil marriage, if there should be the slightest question as to Mr. Russell's authority.

After careful consideration and inquiry I am of opinion:

First. That American consular officers in Japan have no authority to perform a civil marriage ceremony.

Second. That a civil marriage, consented to and announced by parties competent to contract it, in the presence of two or more witnesses, and duly registered before the proper local Japanese registrar, would be in accordance with the laws of Japan and would be as lawful and binding in the United States and elsewhere.

Third. The contracting parties may, at the time of such civil marriage, add to the form of the contract such ceremonies and forms as may be dictated by their religious belief.

The consular officer can then certify as to the forms followed and that the marriage has been contracted in accordance with the laws of Japan. I inclose a form of certificate to be used in such a case. The Japanese authorities being now willing to register marriages between foreigners in Japan, I suggest that it will be your duty in the future to see that all marriages of Americans in your presence, where your official certificate is desired, are duly registered by the proper local Japanese authority.

I am, etc.,

LUKE E. WRIGHT.

N. B.—It is desired that you will furnish copies of this letter to the several consular officers subordinate to your consulate-general for their guidance.

[Inclosure 3.]

Consul-General Miller to Ambassador Wright.

AMERICAN CONSULATE-GENERAL,
Yokohama, March 21, 1907.

SIR: I have the honor to transmit herewith six sets of forms of certificates of marriage (Form 87, consular), and of registration of same in accordance with the laws of Japan, one set each of which might be supplied to the consuls at Nagasaki and Kobe.

The certificates retained as a part of the records of this consulate are bound in book form.

Very respectfully, yours,

HENRY B. MILLER.

[Inclosure 4.]

Ambassador Wright to Consul-General Miller.

AMERICAN EMBASSY,
Tokyo, March 22, 1907.

SIR: I have to acknowledge the receipt of your letter of yesterday, covering six sets of forms of certificates and notices of registration to be used in cases of marriages of American citizens in Japan.

With a view to securing uniformity of procedure among our consular officers, I shall forward copies of these forms to the consuls at Kobe, Nagasaki, Tamsui, and the consular agent at Hakodate.

I am, etc.,

LUKE E. WRIGHT.

[Inclosure 5.]

Ambassador Wright to Consul Sharp.

No. 217.]

AMERICAN EMBASSY,
Tokyo, March 22, 1907.

SIR: With a view to securing uniformity of practice and for the purpose of removing any possible doubt as to the regularity of the mode of celebration and registration of marriages of American citizens in Japan, and in view of the

fact that the Japanese authorities will now register such contracts, I inclose herewith for your information and guidance forms of consular certificate and of necessary documents in the Japanese language, which, after consultation with this embassy, are now in use at the consulate-general at Yokohama.

Your particular attention is called to that part of the consular certificates which, to achieve the object sought, now states that the contracting parties "were united in marriage before me, and in my presence, and in that of _____, who performed the ceremony, and that such marriage has been duly registered and is in accordance with the laws of Japan;" and you will notify any American citizens who may apply to you in contemplation of marriage of the importance of complying with the formalities necessary to effect registration in Japan before the issuance of your certificate.

I am, etc.,

LUKE E. WRIGHT.

Mutatis mutandis:

CONSUL AT NAGASAKI.

CONSUL AT TAMSUI.

CONSUL AT HAKODATE.

**TREATY BETWEEN JAPAN AND RUSSIA, GUARANTEEING THE
PRESENT TERRITORY OF EACH, THE INTEGRITY OF CHINA,
AND THE PRINCIPLE OF THE "OPEN DOOR" IN THAT EMPIRE.**

File No. 3919/9.

Memorandum from the Japanese Embassy.^a

IMPERIAL JAPANESE EMBASSY,
Washington, August 14, 1907.

The Government of His Majesty the Emperor of Japan, and the Government of His Majesty of all the Russias, being desirous to consolidate relations of peace and good neighborhood which have happily been restored between Japan and Russia, and wishing to remove for the future all causes of misunderstanding in the relations of the two empires, have agreed upon following stipulations:

ARTICLE I. Each of the high contracting parties engages to respect the actual territorial integrity of the other, and all rights due now both parties by virtue of treaties, conventions, and contracts now in force between them and China, copies of which have been exchanged between the contracting parties (so far as those rights are not incompatible with the principle of equal opportunity) as well as by virtue of the treaty signed at Portsmouth on August 23/September 5, 1905, and the special conventions concluded between Japan and Russia.

ART. II. The two high contracting parties recognize the independence and territorial integrity of the Empire of China and the principle of equal opportunity for the commerce and industry of all nations in that Empire and engage to uphold and support the maintenance of status quo and the respect for the said principle by all pacific means at their disposal.

The undersigned, duly authorized by their respective Governments, have signed this convention and have affixed thereto their seals.

Done at St. Petersburg this day July 17/30, 1907.

(Signed)

I. MOTONO.

(Signed)

A. ISWOLSKY.

^a Same, mutatis mutandis, handed to the Secretary of State by the Russian ambassador, August 14, 1907.

File No. 3919/9.

*Memorandum to the Japanese Embassy.^a*DEPARTMENT OF STATE,
Washington, August 16, 1907.

The Acting Secretary of State has had the honor to receive on the 14th instant, from the hands of his excellency the ambassador of Japan, a memorandum, in English, of the text of the stipulations concluded at St. Petersburg July 17/30, 1907, between the Governments of Japan and Russia, by which both Governments guarantee the present territory of each, the integrity of China, and the principle of equal opportunity for the commerce and industry of all nations in that Empire.

The Government of the United States has taken due note of this important communication.

EXCLUSION OF FOREIGN LABORERS FROM JAPAN.

File No. 7423/16-20.

Chargé Dodge to the Secretary of State.

No. 406.]

AMERICAN EMBASSY,
Tokyo, September 12, 1907.

SIR: I have the honor to acknowledge the receipt on the 5th instant of your telegraphic instruction and to confirm my telegrams in reply of the 7th instant and the 10th instant.^b

According to your instructions I have the honor to inclose to you herewith two copies of the imperial ordinance No. 352 of 1899, as well as of the home office notification No. 42, which contains the details relating to the application of the ordinance. The text of this ordinance and of the home office notification also accompanied Mr. Wright's dispatch No. 295 of June 12 last.

Supplementing my dispatch No. 383 of the 21st ultimo upon this subject, the following are the facts which I have been able to ascertain regarding the employment of Chinese coolies in Japan:

In the southern island of Kyushu Chinese coolies were employed by the contractor building the so-called "Hisatsu" Railway from Kagoshima to Yatsushiro. About 30 were imported toward the end of last June, and toward the middle of August about 130 more were imported, all into Kagoshima prefecture. A few days after this latter batch arrived about 100 coolies were landed in the adjoining Kumamoto prefecture, when the contractor was immediately informed that as no permission for them had been requested, they must leave. The home office is said to have become aware for the first time about this date of the employment of the Chinese coolies in Kagoshima prefecture and made inquiries of the local governor, who is said never to have issued any permission for them under the ordinance. The

^a Same, mutatis mutandis, to the Russian embassy, August 16, 1907.

^b Not printed.

reason for this omission has not been explained except for the statement that it had not been asked for. The contractor, however, was then immediately ordered to dismiss the coolies, and they have now been reshipped to China.

Only at one other place has the importation of Chinese coolies been attempted, and that was at Kobe, where another contractor brought a batch of some 50 coolies about the 1st instant for the purpose of employing them in railway construction in Nagano prefecture, northwest of Tokyo. These men were at first refused a landing on the ground that their filthy condition involved danger to the local population. Finally they were allowed to land, but I am advised by our consul at Kobe that he has been informed by the Chinese consulate at that place that when the contractor applied for the requisite permission for them he was told by the prefectural authorities that permission must be obtained from Nagano prefecture. He was, however, advised at the same time not to seek this permission, but to return the coolies to China, because it was thought that trouble might arise with the Japanese laborers on the railway. This advice was taken, and the contractor reshipped the coolies to China, the matter having cost him about 2,000 yen (\$1,000).

It is noteworthy that most of the coolies imported came from Dalny and left there with the knowledge and permission of the authorities, and that the wages which it was agreed to pay them were very much lower than those paid to Japanese laborers.

In the course of a general conversation, I lately mentioned this matter to Viscount Hayashi, minister for foreign affairs, who replied in substance that the matter was of no interest; the coolies had been returned simply because permission had not been requested for them as required by the ordinance of 1899. Personally, he did not consider this ordinance of any utility, and he thought it would be abrogated soon. It had been made for the purpose of controlling the immigration of laborers of countries which did not possess freedom of residence in Japan by treaty. It did not apply to American laborers, since the United States possessed freedom of residence in Japan by treaty.

It will be observed that the two cases in which Chinese coolies were expelled from Kyushu are said to have been decided upon a technicality of the ordinance, namely, because permission had not been requested from the authorities before the coolies arrived. In the Kobe case also permission was, strictly speaking, not refused. The admission has therefore been avoided that the coolies were expelled because they were not considered desirable. Had the authorities not desired to be rid of these Chinese it is probable that some way would have been found for complying with the ordinance short of expelling them.

This matter has been the subject of many telegrams in the press, but of little editorial comment. Such comment as has appeared, however, has been from the side of financial interests and is rather favorable to importation in limited numbers. The Osaka Mainichi (article inclosed summarized in Japan Times of 1st instant) sees some advantage in the importation of Chinese coolies, but considers that their number must be limited. The ordinance, however, does not prohibit their importation as this article states. The Nippon (article

annexed summarized by Japan Times) does not think that the importation of coolies will affect injuriously Japanese laborers owing to the great increase in the demand for labor caused by growing industrial activity, but insists on the strictest control being exercised over the immoral and insanitary propensities of the Chinese coolies. The Osaka Asahi of the 2d instant (translation annexed) has a well-considered article in which it states that in principle anything cheap and efficient is a boon to the general public, but that the influx of coolies must be carefully watched, or else it will prove a great blow to the Japanese laborers.

I have, etc.,

H. PERCIVAL DODGE.

File No. 7423/16-20.

[Inclosure 1.]

Law concerning mixed residence.

We, by the advice of our privy council, hereby give our sanction to matters relating to the residence and occupation, etc., of foreigners who either by virtue of treaty or of custom have no freedom of residence, and order the same to be promulgated.

[Imperial seal and sign manual.]

July 27, 1899.

MARQUIS YAMAGATA ARITIMO, *Minister President.*
 MARQUIS SAIGO YORIMICHI, *Minister for Home Affairs.*
 VICOUNT AOKI SHUZO, *Minister for Foreign Affairs.*
 KIYOURA KEIGO, *Minister for Justice.*

Imperial ordinance No. 352.

ARTICLE I. Foreigners, even those who either by virtue of treaty or of custom have not freedom of residence, may hereafter reside, remove, carry on trade, and do other acts outside the former settlements and mixed residential districts. Provided that in the case of laborers they can not reside or carry on their business outside the former settlements or mixed residential districts unless under the special permission of the administrative authorities.

The classes of such laborers (referred to in the preceding paragraph) and details for the operation of this ordinance shall be determined by the minister for home affairs.

ART. II. Persons infringing the proviso of clause 1 of the foregoing article shall be sentenced to a fine not exceeding 100 yen.

SUPPLEMENTARY RULES.

ART. III. This law shall be put into operation on and after August 4, 1899.

ART. IV. Imperial ordinance No. 137^a of August 4, 1894, shall be rescinded after the date on which this law comes into force.

Home office notification No. 42.

Details relating to the operation of imperial ordinance No. 352, 1899, concerning the residence and occupation of foreigners who have no freedom of residence either by virtue of treaty or customs are decided as follows:

Marquis Saigo Yorimichi, minister for home affairs.

ARTICLE I. The administrative authorities mentioned in Article I of imperial ordinance No. 352, 1899, shall be the head of such prefecture and of Hokaido.

^a Refers to conditions upon which Chinese subjects might remain in Japan during Japan-China war.

ART. II. The laborers mentioned in Article I of the same law shall be men engaged in labor in agricultural, fishing, mining, civil engineering, architectural, manufacturing, transporting, carting, stevedoring, and other miscellaneous work. Provided that this rule is not applicable to those who are employed in household services, such as cooking and waiting.

ART. III. Permission given to laborers (to reside in the interior) may be canceled by a local governor when he deems it necessary to do so for the public welfare.

File No. 7423/31-32.

Chargé Dodge to the Secretary of State.

No. 447.]

AMERICAN EMBASSY,
Tokyo, October 12, 1907.

SIR: Referring to my dispatch No. 406 of September 12 last, I have the honor to inclose to you herewith a clipping from the Kobe Chronicle of the 4th instant, reporting a further case of expulsion of Chinese workmen. It appears from this article that the workmen in question are not coolies, but skilled artisans, engine builders, and fitters employed by Messrs. C. Nickel & Co. near Kobe, and that the ground for their expulsion is because "the importation of Chinese laborers was contrary to the provisions of imperial ordinance No. 352 of 1899."

I immediately requested our consul at Kobe to ascertain the facts of this case, and I have received a reply from him stating that he made inquiry at the Chinese consulate in Kobe and was informed that the facts as stated in the Chronicle's article are correct. The Chinese consul has now referred the matter to the Chinese legation here. It will be noted that apparently permission had not been requested for these workmen in accordance with the ordinance mentioned, perhaps, as suggested in the article, because as skilled laborers they were not thought to be within the term "laborers" as used in the ordinance.

I have, etc.,

H. PERCIVAL DODGE.

[Inclosure.]

[From the Kobe Chronicle of October 4, 1907.]

CHINESE LABOR IN JAPAN—AN IMPORTANT POINT.

The latest development of the Chinese labor question in Japan, reported in yesterday's issue, whereby a number of Chinese employed by Messrs. C. Nickel & Co. at their yard at Takahama, near Kobe, have been ordered to be deported, raises an interesting and important point.

On inquiry at Messrs. Nickel's offices yesterday, it was learned that the 14 Chinese in question are not coolies, nor even ordinary laborers, but are skilled workmen, engine builders and fitters, earnings 1.50 yen each per day without overtime. Their labor is more expensive than Japanese, but is more reliable and thorough, and they are regarded as altogether better workmen. Soon after the Chinese had started work at the Takahama yard, Messrs. Nickel were informed by the police that the importation of Chinese laborers was contrary to the provisions of imperial ordinance No. 352 of 1899, and that the Chinese must be sent back to China. Messrs. Nickel appealed to Governor Hattori, who referred them to Mr. Uchimura, the chief of police. Several interviews took place between this official and representatives of the firm, but no settlement could be arrived at other than the deportation of the Chinese. The

authorities were asked if the Chinese could remain if arrangements were made for them to live in Kobe, and travel up and down the line to work every day, but the reply was in the negative.

It is contended by Messrs. Nickel & Co. that the Chinese employed by them at Takahama do not come under the heading of "laborers," as laid down in the ordinance, seeing that they are all skilled men. We believe that the Chinese consul at Kobe also takes this view, and contends, moreover, that the Chinese are entitled to treatment under the most-favored-nation clause. An appeal has been made to Tokyo, we understand, by the Chinese consul at Kobe, and pending developments the Chinese workmen at Takahama are having a holiday at their employers' expense.

It certainly seems an anomaly that Chinese tailors, painters, printers, etc., may follow their avocations without interference in Kobe, and some even beyond the city limits—at Rokkosan, for instance—and yet these men at Takahama are refused permission to work. If the Japanese authorities do not show more toleration to the stranger within their gates, they have scarcely right to expect it from others when the positions are reversed.

AFFAIRS IN KOREA.

File No. 1166/3-13.

Ambassador Wright to the Secretary of State.

No. 131.]

AMERICAN EMBASSY,
Tokyo, December 26, 1906.

SIR: I have the honor to inclose to you herewith an English translation in duplicate of a convention dated October 19 last between Japan and Korea with reference to the joint exploiting by these Governments of the forests and valleys of the Yalu and the Tumen. This translation appeared in the Japan Daily Mail of the 14th instant, and I have since ascertained from the foreign office that it is entirely correct.

I also have the honor to inclose a number of clippings,^a all in duplicate, in regard to Korea. Among these I may invite attention to the clippings giving the official English translation of the new placer mining law in Korea and of the regulations for its enforcement. Of interest is also the editorial from the Japan Times of the 12th instant in regard to the recent visit to Tokyo of the Korean special envoy, H. R. H. Prince Chiyong. It will be seen that various reforms are said to be in progress in Korea, such as the separation of the court from the government administration proper and the foundation of the Korean Economic Association, and that measures are being considered to secure greater safety for life and property as well as for financial reform and for public works.

I have, etc.,

LUKE E. WRIGHT.

File No. 1166.

[Inclosure.—Translation.]

JAPAN-KOREA LUMBER CONVENTION.

ARTICLE I. Forests in the region of the Yalu and the Tumen shall be exploited by the Governments of Japan and Korea jointly.

ART. II. The capital to be employed for the exploitation of said forests is fixed at 1,200,000 yen, of which each Government shall contribute 600,000 yen.

^a Not printed.

ART. III. A special account shall be established for the work of exploitation of said forests as well as for the receipts and expenditures connected with such exploitation. A statement of said account shall be submitted to the two Governments annually.

ART. IV. All profits and losses connected with the exploitation shall be divided between the two Governments according to the amount of their respective contribution.

ART. V. In case any increase in the amount of the contribution provided in Article II is found necessary, it shall be arranged by mutual consent of the two Governments.

ART. VI. In case detailed provisions are found necessary in the execution of this agreement, such provisions shall be determined by delegates to be appointed by the two Governments.

ART. VII. In case it is found necessary, in the course of exploitation, to organize a company so as to enable the subjects of Japan and Korea to join in the undertaking, the two Governments shall determine by common accord the means to be adopted to effect such organization.

Done at Seoul, this 19th day of October, 1906.

(Signed)

MARQUIS ITO,
President-General.

(Signed)

PAK-CHAI-SOON,
Minister President of State.

(Signed)

MIN-YONG-KI,
Minister of Finance.

(Signed)

KWON-CHUNG-HYUN,
Minister of Agriculture, Commerce, and Industry.

File No. 1166/36-40.

Ambassador Wright to the Secretary of State.

No. 222.]

AMERICAN EMBASSY,
Tokyo, April 12, 1907.

SIR: I have the honor to inclose herewith translation of a law recently promulgated relating to the forestry enterprise in Korea on the banks of the Yalu and Tumen rivers. According to the text of this law the capital for the enterprise in question is to be 1,200,000 yen, one-half of which is to be furnished by the Korean Government. The Japanese Government, however, may supply, if necessary, from its general funds the amount to be received from the Korean Government. The profit and loss of the enterprise for each fiscal year are to be shared by the Japanese and Korean Governments in proportion to the amount of capital furnished by each, respectively,

I also inclose ^a extracts from the Seoul Press relating to the plans of the Japanese Government for the development of forestry in Korea. It appears that nine model forests are to be established during the next five or six years in the neighborhood of Seoul, Pingyang, and Taiku, at an expense of some 300,000 yen. Private enterprise in the way of developing forests will also be encouraged by various methods, and in order that the necessary technical experts may be trained among the Korean officials a school of agriculture and forestry was established in September of last year.

I have, etc.,

LUKE E. WRIGHT.

^a Not printed.

[Inclosure.—Translation.]

[Official Gazette, March 29, 1907.]

We hereby sanction and cause to be promulgated the law of the special account of forestry enterprise in Korea, which has received the approval of the Imperial Diet.

March 28, 1907.

(Sign manual)	MARQUIS KIMMOCHI SAIONJI, <i>Prime Minister.</i>
(Privy seal)	UOSHIRO SAKATANI, LL. D., <i>Minister of Finance.</i>

Law No. 24.]

THE LAW OF SPECIAL ACCOUNT OF FORESTRY ENTERPRISE IN KOREA.

ARTICLE I. A special account shall be established for the purpose of carrying on forestry enterprise along the banks of the Yalu River and the Tumen River, and the proceeds of the said enterprise shall be applied to the disbursements of the same.

ART. II. The capital of the special account of forestry enterprise in Korea shall be 1,200,000 yen of which one-half shall be furnished by the Korean Government.

The capital mentioned in the preceding paragraph may, if necessary, be transferred as needed from the general finances (of the Japanese Government) or be received from the Korean Government, but equipment used for the enterprise may be put up as the portion of capital to be supplied by either Government.

ART. III. The profit and loss of the enterprise for each fiscal year shall be shared by the general finances (of the Japanese Government) and by the Korean Government, according to their respective amounts of capital furnished as in the preceding article.

ART. IV. The Government shall every year draw up the estimates of the income and expenditure of the special account of forestry enterprise in Korea and submit the same to the Imperial Diet together with the general budget.

ART. V. The estimates of each fiscal year shall contain a reserve fund in order to respond to the call of any calamity, emergency or unexpected deficit.

ART. VI. The enterprise of the general account may, according to circumstances, be entrusted to a corporation the object of which is to carry on forestry enterprise.

ART. VII. The provisions relating to the receipts and disbursements of the present account are to be determined separately by an imperial ordinance.

SUPPLEMENTARY CLAUSE.

This law shall take effect on April 1, 1907.

File No. 1166/41-45.

Ambassador Wright to the Secretary of State.

No. 237.]

AMERICAN EMBASSY,
Tokyo, April 25, 1907.

SIR: I have the honor to inclose herewith^a an account of an important speech delivered by Marquis Ito at a meeting of the Economic Society held at the Japanese Club in Seoul on the 17th instant.

The gist of the Marquis's remarks is that Japan owes her present high place in the estimation of the world not alone to her military prowess, but equally to the discovery that Japan's actions are not guided solely by selfish motives. She had fought for the independ-

^a Not printed.

ence of Korea and for the principle of the open door and equal opportunity in Manchuria. By doing so she had incurred the responsibility before the world of adhering strictly to the principles defended by her in Manchuria and, in her dealings with Korea, of consulting the interests of the Korean and of other foreign nations as well as her own. He welcomed the expression of unbiased and independent views of trained observers as to how he might best discharge his duty toward the Korean people, and to that end he had invited Professor Ladd to visit Korea as his guest.

Professor Ladd emphasized the necessity of viewing economic and political questions from an ethical standpoint.

I have, etc.,

LUKE E. WRIGHT.

File No. 1166/79-80.

The Japanese Ambassador to the Secretary of State.

No. 51.]

JAPANESE EMBASSY,
Washington, July 26, 1907.

SIR: In pursuance of instructions received from the Imperial Government of Japan, I have the honor to announce to the Government of the United States the conclusion of a new agreement between the Governments of Japan and Korea, a translation of which I beg to inclose herewith.

For your reference I may add that Article I of the protocol between Japan and Korea, signed on August 22, 1904—this article abrogated by the agreement now concluded—reads as follows:

The Korean Government shall engage as financial adviser to the Korean Government a Japanese subject recommended by the Japanese Government, and all matters concerning finance shall be dealt with upon his counsel being taken.

Accept,

VISCOUNT S. AOKI.

[Inclosure.—Translation.]

IMPERIAL JAPANESE EMBASSY,
Washington.

Agreement between Japan and Korea, signed at Seoul, July 24, 1907.

The Government of Japan and the Government of Korea, being animated by the desire to attain speedy development of the strength and resources of Korea and to promote the welfare of her people, have, with that object in view, agreed upon the following stipulations:

ARTICLE I. The Government of Korea shall act under the guidance of the resident-general in respect to reforms in administration.

ART. II. The Government of Korea engage not to enact any laws, ordinances, regulations, nor to take any important measures of administration without the previous assent of the resident-general.

ART. III. Judicial affairs in Korea shall be set apart from the affairs of ordinary administration.

ART. IV. The appointment and dismissal of all the high officials in Korea shall be made with the concurrence of the resident-general.

ART. V. The Government of Korea shall appoint as Korean officials Japanese subjects recommended by the resident-general.

ART. VI. The Government of Korea shall not engage the services of any foreigner without the concurrence of the resident-general.

ART. VII. Article I of the protocol signed between Japan and Korea on August 22, 1904, shall hereafter cease to be binding.

In witness whereof, the undersigned, duly authorized by their respective Governments, have signed this agreement and have affixed thereto their seals.

(Signed) MARQUIS ITO,
Japanese Resident-General.
(Signed) YE WAN YONG,
Prime Minister of Korea.

The 24th day of the seventh month of the fortieth year of Meiji.

File No. 1166/259-267.

Chargé Dodge to the Secretary of State.

[Extract.]

No. 417.]

AMERICAN EMBASSY,
Tokyo, September 19 [20], 1907.

SIR: I inclose a summary from the Japan Times of to-day of a speech delivered by Marquis Ito at a banquet given to him by the House of Peers. The text of this speech has not been published. It will be noted that Marquis Ito lays stress on the danger of coercing the Koreans and on the importance of reconciling them to the Japanese régime if possible. He denies all intention of annexation.

The new ordinance altering the constitution of the imperial residency-general at Seoul has been published to-day in the Official Gazette. I annex a translation which I have had made.^a Owing to the closing of the mail, however, it has been impossible to examine the effect of the new ordinance, which must be left to the next post. The text of the original ordinance was inclosed in Mr. Wilson's dispatch No. 363, of January 2, 1906.

I have, etc.,

H. PERCIVAL DODGE.

[Inclosure 1.]

[From the Japan Times, September 20, 1907.]

MARQUIS ITO AND KOREA—ABSURDITY OF ANNEXATION TALK.

The Nichi Nichi publishes what purports to be a summary of Marquis Ito's speech at the recent banquet given in his honor by the members of the House of Peers. Below is our translation of the same:

"The marquis was emphatic in pronouncing all annexation talk as absurd. He thought it not unnatural for the leaders of thought in Korea to be secretly displeased with the new agreement. But forces had combined in a definite direction and nothing could avert it. The new agreement furnished, however, a streak of hope, and led by it he was striving for the permanency of the Yi dynasty and the preservation of Korea, together with rescuing its people from their miserable lot. For this purpose he was unremitting in his exertions to effect comprehensive administrative reform under Japan's guidance. In these

^a Not printed.

circumstances, should the strained application of force and coercion be resorted to, the result might be to press the Koreans to suspect the real intention to be annexation. Such a turn of affairs would be tantamount to driving them to desperation and self-abandonment, which would only tend to increase the sources of trouble and occasion a serious denouement. The situation called, therefore, for extreme caution. It was but an easy job to stamp out the riotous risings in the different parts of the country by the aid of a powerful army. But these insurgents were the dupes of outside instigators, at whose beck and call they were making disturbances.

"His excellency then went on to give specific instances to illustrate how skillfully the instigations were being worked. In view of this he was having recourse to nothing else but dealing with the natives sincerely and with genuine solicitude. He was racking his brain how to effectively make them see their own blunder of being misguided by those inciting them to rebellion and bring them round so as to reconcile them to the Japanese régime. There were, perhaps, some who would accuse the marquis of too much leniency and dilatoriness, but he, on his part, firmly believed it to be the best plan, in the present state of affairs, to exercise power and kindness side by side and avoid forcing the Koreans to self-abandonment.

"One thing that greatly disturbed the resident-general's mind was the fear that, as the result of the risings, the season's crops might be a total failure. For the riot reports would show that the farmers of the different localities, armed with their spades and hoes, were helping the agitators, while entirely neglecting the tilling of their soil. The result might not be a total failure of crops, but would inevitably lead to enormous reduction. This would have serious effect on the revenues of the Korean Government; not only that, but it would also affect considerably the progress of Japan's administrative plans. The prospect could not but be a source of great anxiety."

File No. 1166/283-284.

Chargé Dodge to the Secretary of State.

No. 426.]

AMERICAN EMBASSY,
Tokyo, September 30, 1907.

SIR: Referring to my dispatch No. 417, of the 19th [20th] instant, I have the honor to inclose to you herewith a translation of the official text of seven further ordinances, Nos. 296 to 302,^a all dated the 19th instant, relating to the reorganization of the imperial residency-general in Korea, consequent upon the new Japanese-Korean agreement. The text of the first ordinance of the series, No. 295, of the same date, was inclosed in my dispatch above referred to.

Some of the most notable alterations caused by the reorganization are the following:

Article 3 of the old ordinance authorized the resident-general representing the Imperial Government in Korea to handle foreign affairs, except those handled by foreign representatives in Korea, to supervise administrative affairs affecting foreigners, and to supervise affairs in charge of the Japanese authorities by virtue of treaties. The present ordinance states that the resident-general will represent the Imperial Government in Korea and administer different affairs by virtue of treaties and laws.

A vice-resident-general is created to assist the resident-general and to represent him in case he is absent. Baron Sone has been appointed to this post, who was formerly minister of finance in the Katsura Cabinet and is a leader of Prince Yamagata's party. This is probably one of the chief reasons for his appointment.

^a Not printed.

The director-generalship is retained, but the directors-general of foreign affairs, of agriculture, commerce and industry, and of police are abolished and replaced by the councilors to be chiefs of the departments of foreign affairs and legislative affairs, respectively. The latter is indicative of the share the residency-general will take in redrafting the Korean laws. To these two councilors are added all the Korean vice-ministers of state who are now all Japanese and are made councilors ex officio in the residency-general.

The police force of the residency-general are abolished, since the Korean police now have a Japanese chief and a large number of Japanese officers and constables.

The financial inspectors of the residency-general are also abolished, as the Korean ministry of finance is now controlled by a Japanese vice-minister, who, consequently, is a councilor of the residency-general.

The result of the reorganization is a substantial diminution of the personnel of the residency-general, largely through the absorption of its functions by the Korean ministries. A notable saving of expense to the Japanese Government is realized by this plan, which will also result in an increase in the expense of the Korean Government.

The plan for the reorganization, or organization, of the Korean judiciary is being actively pushed forward and a new code is being prepared by Professor Ume. The new system, which will be introduced gradually, will eventually consist of three or four grades of courts and will be inaugurated by the establishment of a supreme court.

The separation of the two Emperors is evidently causing some trouble, and Prince Ito's departure for Seoul has been received with much satisfaction.

I have, etc.,

H. PERCIVAL DODGE.

RAILROADS IN MANCHURIA.^a

File No. 6625/10-11.

Ambassador Wright to the Secretary of State.

No. 258.]

AMERICAN EMBASSY,
Tokyo, May 15, 1907.

SIR: Referring to my dispatch, No. 238, of April 25, last,^b I have the honor to transmit herewith translation of the text of the agreement recently signed between Japan and China relating to the Simintun-Mukden and Kirin-Changchun railways, as published in the Official Gazette of the 4th instant.

I have, etc.,

LUKE E. WRIGHT.

^a See also "Open door policy in Manchuria," p. 130.

^b Not printed.

File No. 6625/10-11.

[Inclosure.—Translation.]

[Official Gazette, May 4, 1907.]

DEPARTMENT OF FOREIGN AFFAIRS—NOTIFICATION No. 8.

The following agreement relating to the Simmintun-Mukden and the Kirin-Changchun railways was signed on the 15th ultimo by the envoy extraordinary and minister plenipotentiary of Japan to China and the Chinese ministers for foreign affairs.

VISCOUNT TADASU HAYASHI,
Minister for Foreign Affairs.

MAY 4, 1907.

Gonsuke Hayashi, envoy extraordinary and minister plenipotentiary of Japan to China, and Na Tung, Chun Hungchi, Tuan Chai-kwei, ministers of foreign affairs of China, being duly authorized by their respective Governments, have agreed upon the following articles:

ARTICLE 1.

In connection with the purchasing of the railway constructed by Japan between Simmin-fu (Simmintun) and Fengtien-fu (Mukden), the Chinese Government shall pay 1,660,000 yen in Japanese currency, which is the price mutually agreed upon, to the Yokohama Specie Bank at Tientsin. The Chinese Government agrees to reconstruct and maintain the said railway on its own account and to borrow one-half of the funds required for the line east of the Liao River from the South Manchurian Railway Company.

ARTICLE 2.

In connection with the construction on its own account of the railway from Kirin-fu (Kirin) to Changchun-fu (Changchun), the Chinese Government further agrees to borrow one-half of the funds required for the purpose from the South Manchurian Railway Company.

ARTICLE 3.

The terms of the loans mentioned in articles 1 and 2 shall be determined according to the terms of the loans of the railways in and out of Shanghai-kwan, except the provisions for the periods of redemption. The following are the principal points: All the regulations relating to the conduct of the general affairs of the railways shall be determined on the basis of the present regulations of the bureau of railways in and out of Shanghai-kwan.

(a) The periods of redemption shall be eighteen years with respect to the loan for the portion of the Simmintun-Mukden Railway east of the Liao River, and twenty-five years with respect to the loan for the Kirin-Changchun Railway. Prior to the expiration of the periods referred to the whole of both loans shall remain unredeemed.

(b) The property and receipts of the portion of the Simmintun-Mukden Railway east of the Liao River shall be offered as security for the South Manchurian Railway Company's loan on behalf of the said line.

The property and receipts of the Kirin-Changchun Railway shall be offered as security both for future contracts of the Kirin-Changchun Railway bureau and for the South Manchurian Railway Company's loan.

Prior to the redemption of the loans the Chinese Government shall not offer the property and receipts of the above-mentioned railways as security for any other loan.

During the periods of the loans the Chinese Government shall maintain in good condition the premises, workshops, rolling stock, land, movables, etc., of the railway east of the Liao River and the Kirin-Changchun Railway, and shall endeavor to replenish the rolling stock from time to time in order to meet the requirements of traffic. Should in future branch lines of the Kirin-Changchun Railway be constructed or the same railway be extended, the Chinese Government shall undertake the construction on its own account. In case there is a

lack of funds an application shall be made to the company^a for a loan. In case the Chinese Government should construct any other railways on its own account, it shall not be necessary to consult with the South Manchurian Railway Company.

(c) The Chinese Government guarantees the payment of the principal and interest of the loans. In case of failure to fulfill the stipulations on the date set for payment of the principal and interest the Chinese Government shall, on receipt of a notification from the company, pay the required sum. In the event of the Chinese Government failing to pay the principal and interest in arrears after receiving the said notification, the railways mentioned above and the whole of their properties shall be held and maintained by the company until the said principal and interest shall have been paid. If, however, the amount of principal and interest in arrears is small, a grace not exceeding three months may be granted.

(d) During the periods of the loans a Japanese shall be engaged as chief engineer. Should the number of Chinese be insufficient for the conduct of the railway business, Japanese shall be engaged. The change of the chief engineer, if necessary, shall be effected upon consultation with the company. Besides this, an experienced Japanese shall be engaged as railway accountant. He shall have full responsibility for the arrangement and superintendence of all departments of the railway accounts. The business of superintending the railway finances shall be transacted in consultation with the (Chinese) director-general of railways.

(e) Since the railways mentioned above are public highways of the Chinese Government, troops and provisions belonging to the Chinese Government in time of war or famine shall be transported free of charge.

(f) All the receipts of the railways mentioned above shall be deposited with Japanese banks. The method of paying in the deposits shall be determined on the occasion of concluding the loan contracts.

ARTICLE 4.

The Chinese Government shall, after the purchase of the existing Simmintun-Mukden Railway, conclude, as soon as possible, the contract with the South Manchurian Railway Company relating to the loan for the railway east of the Liao River. In order to estimate the expenditure required for the Kirin-Changchun Railway, the Chinese Government shall dispatch Chinese engineers and cause them to survey the route in cooperation with Japanese engineers. Within six months after the conclusions of the said survey the loan contract shall be concluded with the company.

ARTICLE 5.

Both the Simmintun-Mukden and the Kirin-Changchun railways, which are to be constructed and maintained by China, shall be connected with the South Manchurian Railway. All the regulations relating to this matter shall be determined by commissioners to be appointed by the Tientsin-Linyu (Shanhaikwan) railway bureau and the South Manchurian Railway Company.

ARTICLE 6.

The actual proceeds of the loans mentioned in articles 1 and 2 shall be equitably determined on the basis of the latest loan contract concluded by China with a third country.

ARTICLE 7.

The Simmintun-Mukden Railway shall be handed over to the commissioners of the Chinese railway bureau within one month after the payment of the price.

(Signed)	GONSUKE HAYASHI.
(Signed)	NA TUNG.
(Signed)	CHUN HUNG-CHI.
(Signed)	TUAN CHAI-KWEI.

Fifteenth day^a of the fourth month of the fortieth year of Meiji.

Third day of the third month of the twenty-third year of Kuang-hsu (April 15, 1907).

^a South Manchurian Railway Company.

File No. 6625/18.

Ambassador Wright to the Secretary of State.

[Extracts.]

No. 315.]

AMERICAN EMBASSY,
Tokyo, June 27, 1907.

SIR: Referring to my dispatch No. 238, of April 25 last,^a I have the honor to inclose^a herewith various newspaper clippings in regard to Manchuria.

Of the many questions there awaiting solution, two of great difficulty have now been solved—the fishery question and the question of the Kwanchengtsz Railway station, the junction of the Russian and Japanese railways through Manchuria. The official text of these agreements has not yet been published, but the gist of the railway station agreement will be found in the inclosed clipping from the Japan Daily Mail of the 21st instant. By the fishery agreement^b it is understood that the Japanese Government has acquired the right to fish on the Siberian coast and in all bays and inlets there with the exception of some 34, which have been clearly determined. At the express wish of the Japanese Government the Russian Government has consented to sign this agreement before the other agreements still under discussion, so as not to interfere with the opening of the fishing season. The fishing grounds have now been put up to auction. The results of this are given in the inclosed clippings from the Japan Daily Mail of the 25th instant. In explanation of the great preponderance of Japanese amongst the lessees it may be remarked that the Russian fishing population is a very small one, and that the Japanese fishermen have always been far more numerous in these seas.

The recent interview granted by Baron Goto, president of the South Manchurian Railway Company, to a representative of the China Times, and reproduced in the inclosed clipping from the Japan Times of the 21st instant, is of great interest, though the statements in it are similar to those made by him on former occasions. Baron Goto's promises that "the railway rates and railway administration will be so conducted as to preserve equality for all nationalities in Manchuria," and his statement that "it has been decided to adjust the rates as between, say, Yingkow and Mukden and Tairen and Mukden to equality on a fair basis proportionate to the mileage, so that Yingkow will not be prejudiced," are worthy of note.

Another question which the Japanese Government is reported to be now taking measures to have decided promptly is that of the customs dues on the Russo-Manchurian frontier in view of the opening on July 1 of the customs at Dalny. The difficulty seems to be the insistence by Russia of a reduction of the tariff by one-third and for the creation of a free zone of 17 miles on either side of the railway.

For the solution of these and of the many other pending questions in Manchuria much hope is apparently being placed in the new viceroy, Hsu. Upon his reception at Mukden lately by Mr. Hayashi, Japanese minister at Peking, the latter publicly announced that the

^a Not printed.^b Printed on p. 784.

viceroys had been informed by the Emperor and Dowager Empress of China that they desired to see the development of Manchuria accomplished by the united efforts of China and Japan, and that the viceroy had received instructions to work in cooperation with the Japanese to that end. The new viceroy is reported to have replied that it was his Government's desire to afford protection to all enterprises, whether native or foreign, which were likely to conduce to the benefit of Manchuria. Tang-Shaoi, the new governor of Mukden, and Tao, the new chief of the bureau of foreign affairs of the Manchurian vicerealty, are also said to be favorable to Japan. Both they and the viceroy are Chinese and belong to Yuan-shi-kai's party. Under these circumstances it may be expected that the Japanese will have less difficulties placed in their way in the future than they have lately been having.

I have, etc.,

LUKE E. WRIGHT.

File No. 6625/33-36.

Ambassador Wright to the Secretary of State.

No. 364.]

AMERICAN EMBASSY,
Tokyo, August 7, 1907.

SIR: I have the honor to inclose to you herewith an English translation, clipped from the semi-official Japan Times of the 5th, 6th, and 7th instants, of the text of the convention, with the additional articles and protocol annexed to the same, signed by the Japanese and Russian Governments at St. Petersburg on May 31 last in regard to the connection in Manchuria of the Chinese Eastern and the South Manchurian railways. I have as yet been unable to obtain a copy of the original French text of this convention.

I have, etc.,

LUKE E. WRIGHT.

[Inclosure 1.—Translated from official text in French.]

[The Japan Times, Tokyo, Sunday, August 5, 1907.]

CONVENTION RELATING TO JAPANESE AND RUSSIAN RAILWAY CONNECTIONS IN MANCHURIA.

The Imperial Government of Japan and the Imperial Government of Russia having resolved to conclude a convention concerning the connection of the Japanese and the Russian railways in Manchuria, conformatory to the provisions of Article VIII of the treaty of peace signed at Portsmouth on 5th September/23d August, 1905, the undersigned, Itchiro Motono, doctor of laws, envoy extraordinary and minister plenipotentiary of Japan, and the master of the imperial court, Alexandre Iswolsky, minister of foreign affairs of Russia, being duly authorized for the purpose by their respective Governments, have agreed and concluded the following articles, under the title of provisionary:

Regarding those provisions of this convention which concern the South Manchuria Railway Company on the one part and the Chinese Eastern Railway Company on the other, the two Governments engage mutually to take necessary measures to insure their prompt execution by the said companies.

ARTICLE I. The junction of the sections of the two railways will be made at the boundary line of the Kuanchentze station of the Chinese Eastern Railway. The Southern Manchuria Railway Company shall prolong its line at the gauge adopted by that company from the Tchanchun station of the said company to

the limit of the Kuanchentze station of the Chinese Eastern Railway, and the Chinese Eastern Railway shall construct a line of the same gauge in continuation to the Japanese line constructed by the Southern Manchurian Railway to the platform of the Russian Kuanchentze station. The Chinese Eastern Railway shall construct in prolongation of its line a railway of the gauge of 1 meter 524 (Russian gauge of 5 English feet) from the platform of the Russian Kuanchentze station to the limit of that station, and the Southern Manchurian Railway Company shall construct a line of the same gauge in continuation to the prolongation of the Russian railway constructed by the Chinese Eastern Railway Company to the Japanese Tchanchoun station.

The point of junction of the two sections of the Japanese and Russian railways and the plans of that junction shall be resolved upon in common accord between the two companies.

ART. II. The Southern Manchurian Railway Company as well as the Chinese Eastern Railway Company shall establish, besides the junction of their lines, direct communication for passengers and for merchandise, and also all the necessary installations in order to effect in the shortest time and with the least expense possible the transport of the merchandise at the terminal stations made necessary by the difference in the width of the gauges.

Each company reserves the right to decide on the plans of construction within the limits of its own ground.

ART. III. Each company takes charge of all the undertakings mentioned in Articles I and II of the present convention which entails on them respectively, and the undertaking shall be executed by the companies with the least possible delay and as far as possible simultaneously.

ART. IV. The maintenance of the tracks, of the installations for transmission and transport, and all the other accessories upon the ground of each railway shall, respectively, be taken charge of by the companies.

ART. V. The traffic between the Southern Manchuria Railway and the Chinese Eastern Railway shall be established conformatory to the following conditions:

The passenger trains of the Southern Manchuria Railway, with passengers, their baggage, and other objects transported by those trains, proceed on the Japanese track to the Russian station of Kuanchentze, and the passenger trains of the Chinese Eastern Railway, with passengers, their baggage, and other objects transported by those trains, proceed on the Russian track to the Japanese station of Tchanchoun.

The freight trains of the Southern Manchuria Railway to proceed on the Chinese Eastern line come on the Japanese track to the Russian station of Kuanchentze, where the delivery and transport of the merchandise to the Russian railway are effected, and the freight trains of the Chinese Eastern Railway to proceed on the Southern Manchurian line come by the Russian track to the Japanese station of Tchanchoun, where the delivery and transport of the merchandise to the Japanese railway are effected.

ART. VI. The time schedule for the movement of trains, having in view the connection of the two railways, shall be arranged in common accord by the managements of the two railway companies.

ART. VII. The passenger fares and freight charges for traveling between the two terminal stations shall be collected: Those going from south to north, conformatory to the tariffs in force on the Southern Manchurian line, and those going from north to south, conformatory to the tariffs in force on the Chinese Eastern line.

The distribution of the fees collected for transport on the lines of the two companies shall be made in accordance with an agreement to be concluded between the management of the two companies.

ART. VIII. Each company enjoys the right gratuitously and reciprocally to make use of the connecting line and the installations attached to the service of transport appertaining to the other.

ART. IX. The two railway companies shall organize a train service mutually coordinating and sufficient to insure regular passenger and merchandise traffic, and establish regulations and provisions for the service of exploitation, all in conformation to the interests of that service.

ART. X. All the provisions to be later adopted on the basis of the present convention and concerning the train service, the transportation of passengers, the transport of merchandise, the signal service, etc., shall be regulated by special arrangement between the two companies, with due approval of the respective

Governments. The mutual use of the organs of transportation, the relations between employees of the two railways, as well as the mode of fixing the joint quota to each administration in the distribution of the receipts, shall be regulated subsequently by the similar arrangement.

ART. XI. In all cases where the management of the two railways can not agree on points covered by the present convention or in general upon all the other points concerning their reciprocal relations mentioned in the said convention, the differences shall be regulated by the decision of the two respective Governments, arrived at in common after the exchange of views between them on the subject.

In proof whereof the envoy extraordinary and minister plenipotentiary of Japan and the minister of foreign affairs of Russia have signed the present provisional convention and affixed their seals thereto.

Done at St. Petersburg in duplicate on the 13th day of the sixth month of the fortieth year of Meiji, corresponding to 31 May/13 June, 1907.

(Signed) I. MOTONO.

(Signed) ISWOLSKY.

The convention contained three additional articles and a protocol. These will be published in a later issue.

[Inclosure 2.]

[Japan Times, August 6, 1907.]

CONVENTION RELATING TO JAPANESE AND RUSSIAN RAILWAY CONNECTION IN
MANCHURIA.

Additional articles.

The additional articles of the above convention are as follows:

1. The Imperial Japanese Government and the Imperial Russian Government, desiring to establish direct communication of passengers and of merchandise on the different lines of railways, Japanese and Russian, agree to facilitate the conclusion, with the briefest possible delay, of a special arrangement to that end.

2. The undersigned, Ichiro Motono, envoy extraordinary and minister plenipotentiary of Japan, and Alexandre Iswolsky, minister of foreign affairs of Russia, having agreed on the adoption of Article V of the provisional convention for railway connection until the construction of the Changchun-Kirin line, it is agreed between the high contracting parties that when the said line shall have been constructed the transfer of passengers coming from the north by the Chinese Eastern Railway and going either in the direction of Kirin or in the direction of Tairen, and the transfer of passengers coming either by the Kirin line or by the South Manchurian line, and going in the direction of the north, shall be done at the Japanese station of Chungchun. For that end a special arrangement shall be concluded later between the companies interested.

3. In view of effecting the work of the railway connection in Manchuria, even before the completion of the works agreed upon in the provisional convention signed this day, the South Manchurian Railway Company shall construct a provisional station in proximity of the Russian station of Kwanchengtsu, and the two companies shall establish, each on its own side, the necessary installations for the transmission of passengers, packages, baggage, and other objects transported by passenger trains and transshipment of merchandise between the provisional Japanese station and the Russian station of Kwanchengtsu.

Done at St. Petersburg in duplicate on the 13th day of the sixth month of the fortieth year of Meiji, corresponding to May 31 (June 13), 1907.

(Signed) A. ISWOLSKY.

(Signed) I. MOTONO.

[Inclosure 3.]

[The Japan Times, Tokyo, Wednesday, August 7, 1907.]

CONVENTION RELATING TO JAPANESE AND RUSSIAN RAILWAY CONNECTION IN
MANCHURIA.*Protocol.*

At the moment of proceeding to the signature of the provisional convention for the connection of the Japanese and Russian railways in Manchuria the two high contracting parties, judging it useful to settle certain questions relative to the terminus of Kwanchengtsu and to the coal mines of Shibelin and Taokiatus, the undersigned, Ichiro Motono, doctor of laws, envoy extraordinary and minister plenipotentiary of Japan, and the master of the imperial court, Alexandre Iswolsky, minister for foreign affairs of Russia, have concluded the following:

ARTICLE I. It has been agreed between the two high contracting parties that in principle the terminus of Kwanchengtsu and its appendages are the common property of Japan and Russia, but that, for the sake of practical conveniences, the exclusive ownership of the said terminus and of its appendages shall remain with Russia, and that for it the Russian Government shall pay to the Japanese Government a sum of 560,393 rubles in virtue of compensation for the renunciation by Japan of her rights of coownership of the Kwanchengtsu terminus and its appendages.

ART. II. The Russian Government shall remit to the Japanese Government, with the briefest possible delay after the signature of the provisional convention of the railway connection, in their actual staff, all the railways and all the objects belonging to these railways which are to the south of the point marked "N 2223" in the plan here annexed, as well as the coal mines at Shibelin and Taokiatus, with all their appendages. Immediately after the signing of the said convention the necessary instructions shall be sent by the two Governments of Japan and Russia, on the one part, to the South Manchurian Railway Company, and, on the other part, to the Chinese Eastern Railway, to the effect of proceeding to the transfer of the said railways and of the appendages of these railways, as well as the aforementioned coal mines.

ART. III. It is agreed between the two high contracting parties that the Japanese Government shall subsequently choose a site, where shall be constructed the Japanese terminus of Changchun, between the Russian terminus of Kwanchengtsu and the town of Changchun.

In case of the construction of the Kirin railway line, the Japanese Government shall exert itself for causing the construction by the railway company, outside the limits of the Changchun terminus, crossings or viaducts to the points of the said line and the principal roads between the Russian station of Kwanchengtsu and the town of Changchun.

ART. IV. The detailed regulations relative to the transshipment of the passengers and merchandise of one railway to the other which should be concluded between the two railway companies, Japanese and Russian, shall be discussed and concluded between these companies interested with the briefest possible delay after the signing of the provisional convention of the railway connection. As to the place and date of the meeting of the delegates respecting that subject, they shall be subsequently determined in the manner most agreeable to the parties.

ART. V. It is agreed between the two high contracting parties that the convention signed with date of this day shall be put in force immediately after the construction of the provisional Japanese station mentioned in article 3 of the additional articles of the said convention shall have been completed.

In testimony whereof the envoy extraordinary and minister plenipotentiary of Japan and the minister of foreign affairs of Russia have signed the present protocol and affixed thereto their seals.

Done at St. Petersburg in duplicate this 13th day of the sixth month of the fortieth year of Meiji, corresponding to May 31 (June 13), 1907.

(Signed) I. MOTONO.

(Signed) ISWOLSKY.

FISHERY CONVENTION BETWEEN JAPAN AND RUSSIA.

File No. 3919/22-23.

Ambassador Riddle to the Secretary of State.

No. 95.]

AMERICAN EMBASSY,
St. Petersburg, September 14, 1907.

SIR: I have the honor to inclose^a herewith the official text (in Russian and French) of the treaty of commerce and navigation and of the fisheries convention concluded between Russia and Japan July 15/28 and just published.

I have, etc.,

J. W. RIDDLE.

[Inclosure.—Translation.]

We, Nicholas II, by the grace of God, Emperor and Autocrat of all the Russias, etc., hereby make known that as the result of an agreement between ourselves and His Majesty the Emperor of Japan, our plenipotentiaries concluded and signed a fisheries convention at St. Petersburg on July 15, 1907. which reads word for word as follows:

His Majesty, the Emperor of all the Russias, and His Majesty the Emperor of Japan, have, for the purpose of concluding a fisheries convention in accordance with the provisions of Article XI of the treaty of peace concluded at Portsmouth on August 23 (September 5) 1905 (being the 5th day of the ninth month of the thirty-eighth year of Meiji), appointed as their plenipotentiaries, to wit:

His Majesty the Emperor of all the Russias:

Alexander Iswolsky, master of his court and minister of foreign affairs, and His Privy Councillor Constantine Goubastoff, assistant minister of foreign affairs; and

His Majesty the Emperor of Japan:

Itchiro Motono, doctor of laws, his envoy extraordinary and minister plenipotentiary near His Majesty the Emperor of all the Russias;

Who, after having communicated to each other their respective full powers, found in due and good order, have concluded the following articles:

ARTICLE I.

The Imperial Government of Russia grants to Japanese subjects, in accordance with the provisions of the present convention, the right to fish, catch, and prepare all kinds of fish and aquatic products, except fur seals and sea otters, along the Russian coasts of the seas of Japan, Okhotsk, and Behring, with the exception of the rivers and inlets. The inlets which constitute the objects of the above exception are enumerated in Article I of the protocol hereto annexed.

ARTICLE II.

Japanese subjects are authorized to engage in fishing and in the preparation of fish and aquatic products in the fishing tracts specially designated for this purpose, situated both at sea and on the coasts, and which shall be leased at public auction without any discrimination between Japanese and Russian subjects, either for a long term or for a short term. Japanese subjects shall enjoy in this respect the same rights as Russian subjects who have acquired fishing tracts in the regions specified in Article I of the present convention.

The dates and places appointed for these auctions, as well as the necessary details relative to the leases of the various fishing tracts, shall be officially notified to the Japanese consul at Vladivostok at least two months before the auctions.

^a Translation of fishery convention printed.

The fishing for whale and codfish, as well as for all kinds of fish and aquatic products which can not be taken within special tracts, shall be permitted to Japanese subjects on seagoing vessels provided with a special permit.

ARTICLE III.

Japanese subjects who shall have acquired fishing tracts by lease in accordance with the provisions of Article II of the present convention, shall have, within the limits of these tracts, the right to make free use of the coasts which have been granted to them for the purpose of carrying on their fishing industry. They may make on these coasts the necessary repairs to their boats and nets, haul the latter on land and land their fish and aquatic products, and salt, dry, prepare, and store their fish and other hauls there. For these purposes they shall be at liberty to construct thereon buildings, stores, cabins, and drying houses, or to remove them.

ARTICLE IV.

Japanese subjects and Russian subjects who have acquired fishing tracts in the regions specified in Article I of the present convention, shall be treated on an equal footing in everything regarding imposts or taxes, which are or shall be levied on the right to fish and prepare fishing products, or on the movable or immovable property necessary in this industry.

ARTICLE V.

The Imperial Russian Government shall not collect any duty on fish and aquatic products cut or taken in the provinces of the coast and of the Amur, whether such fish and aquatic products are manufactured or not, when they are intended for export to Japan.

ARTICLE VI.

No restrictions shall be established regarding the nationality of persons employed by Japanese subjects in fishing or in the preparation of fish and aquatic products in the regions specified in Article I of the present convention.

ARTICLE VII.

With regard to the mode of preparation of fish and aquatic products, the Imperial Russian Government agrees not to impose on Japanese subjects any special restrictions from which Russian subjects are exempt who have acquired fishing tracts in the regions specified in Article I of the present convention.

ARTICLE VIII.

Japanese subjects who have acquired the right to fish may proceed directly either from Japan to the fishing grounds or from these grounds to Japan on vessels provided with a certificate issued in Japan by the competent Russian consulate, as well as with a bill of health issued by the Japanese authorities.

The said vessels shall be authorized to transport from one fishing ground to another, without imposts or taxes, the persons and articles necessary in the fishing industry, as well as the fish and other sea products. The aforementioned vessels shall submit in all other respects to the Russian laws on coasting trade at present enforced or which may be enacted in future.

ARTICLE IX.

Japanese and Russian subjects who have acquired fishing tracts in the regions specified in Article I of the present convention shall be placed on a footing of equality with regard to the laws, regulations, and ordinances at present in force or which may be enacted in future concerning fish culture and the protection of fish and aquatic products, the supervision of the industry connected therewith, and any other matter relating to fisheries.

The Japanese Government shall be notified of newly enacted laws and regulations at least six months before their enforcement.

With regard to newly enacted ordinances, notice shall be given thereof to the Japanese consul at Vladivostok at least two months before they go into effect.

ARTICLE X.

With regard to matters not specially designated in the present convention, but which relate to the fishing industry in the regions specified in Article I of the said convention, Japanese subjects shall be treated on the same footing as Russian subjects who have acquired fishing tracts in the aforementioned regions.

ARTICLE XI.

Japanese subjects may engage in the preparation of fish and aquatic products within the tracts of ground which shall be rented to them outside the regions specified in Article I of the present convention, always submitting to the laws, regulations, and ordinances which are or may be in force and applicable to all foreigners in Russia.

ARTICLE XII.

The Imperial Government of Japan, in consideration of the fishing rights granted by the Imperial Government of Russia to Japanese subjects by virtue of the present convention, agrees not to levy any import duties on the fish and aquatic products caught or taken within the provinces of the coast and the Amour, whether these fish and aquatic products are manufactured or not.

ARTICLE XIII.

The present convention shall remain in force for twelve years. It shall be renewed or modified at the end of every twelve years, by virtue of a mutual agreement between the two high contracting parties.

ARTICLE XIV.

The present convention shall be ratified and the ratifications exchanged at Tokyo as soon as possible, and at all events not later than four months after its signature.

In witness whereof, the respective plenipotentiaries have signed the present convention and affixed thereto their seals.

Done at St. Petersburg, July 15 (28), 1907, being the twenty-eighth year of the seventh month of the fortieth year of Medji.

[L. s.] (Signed) ISWOLSKY.

[L. s.] (Signed) I. MOTONO.

[L. s.] (Signed) GOUBASTOFF.

For which reasons, after having thoroughly examined the convention, we have accepted, confirmed, and ratified it, and do hereby accept, confirm, and ratify it in all its parts, and promise on our imperial word, for ourselves, our heirs, and successors, that everything which is stipulated in such conventions shall be inviolably observed and executed. In witness whereof we have signed the present imperial ratification in our own handwriting and have affixed thereto the seals of our empire. Given at Peterhoff, July 18, 1907, being the thirtieth year of our reign.

The original is signed in the handwriting of His Majesty the Emperor, thus:
"NICHOLAS." [L. s.]

Countersigned:

ISWOLSKY,

Minister for Foreign Affairs.

 PROTOCOL.

The Government of His Majesty, the Emperor of all the Russias, and the Government of His Majesty, the Emperor of Japan, deeming it necessary to settle certain questions arising from the provisions of the fisheries convention signed this day, their respective plenipotentiaries have agreed on the following articles:

ARTICLE 1.

The inlets comprised within the exception mentioned in Article I of the fisheries convention signed to-day are the following:

1. St. Lawrence Bay, as far as a straight line drawn from Cape Pnaugun to Cape Kharguilakh.

2. Metchigeme Bay.
 3. Konian (Penkegunei) Bay, as far as a straight line drawn from Cape Netchkhonone to Grab Peak.
 4. Abolechev (Kalagan) Bay.
- Etc.

It is understood that the exception in question shall extend only as far as the boundaries of the Russian territorial waters.

With regard to the northern coasts of the Okhotsk Sea, from the mouth of the Podkaguerny River to Port Ayan, with exception of Penjinsky Gulf (see No. 17 above), the inlets to be comprised within the aforementioned exception shall be determined according to the following definition: Bays which cut into the continent a distance three times as great as the width of their entrance.

Fishing shall, moreover, be prohibited to Japanese subjects as well as other foreigners, for strategical reasons, within the limits of the territorial waters of the following bays:

1. De Castries Bay, together with Fredericks Bay, as far as a straight line drawn from Cape Castries to Cape Kloster-Kamp and to a line drawn from Cape Kloster-Kamp to Cape Ostry.
2. St. Olga Bay, as far as a straight line drawn from Cape Manevsky to Cape Schkott.
3. Peter the Great Bay, from Cape Povorotny to Cape Gamov, including the islands within this bay.
4. Possiet Bay, from Cape Gamov to Cape Boutakov.

ARTICLE 2.

As far as the limits of the river with regard to the sea are concerned, the two high contracting parties will conform to the principles and usages of international law.

ARTICLE 3.

The right of fishing granted to Japanese subjects within the Liman of the Amour, by virtue of the fisheries convention, is subject to the following special conditions:

1. Japanese subjects may acquire fishing tracts within this region at public auction on the same footing as Russian subjects.
2. Japanese subjects who have acquired fishing tracts shall be subject, in all respects with regard to the fishing industry, to the same laws, regulations, and ordinances already enacted or to be enacted for river fishing in the basin of the Amour, as Russian subjects who have been awarded fishing tracts themselves, and especially to the provisions which prohibit persons who have been granted fishing tracts in this region from employing foreign laborers.

ARTICLE 4.

Japanese subjects may, at their request, acquire fishing tracts at public auction anywhere within the regions specified in Article I of the fisheries convention, provided they submit to the laws, regulations, and ordinances at present in force or which may be enacted in future for the breeding and protection of fish, for the supervision of the industry connected therewith, and on any other matter relating to fisheries in the aforementioned regions. It is understood that the Japanese subjects shall only be subject to these laws, regulations, and ordinances to the extent that the same laws, regulations, and ordinances are applicable to Russian subjects themselves who have acquired fishing tracts in these regions.

ARTICLE 5.

The term "Russian subjects who have acquired fishing tracts" (see Articles II, IV, VII, IX, and X of the fisheries convention, and article 4 of the present protocol) shall neither apply to colonists nor to native races enjoying special privileges.

ARTICLE 6.

It is understood that the Imperial Russian Government reserves the right to grant fishing rights to colonists who may come and settle at places where there are no fishing tracts leased. The same shall apply to the native races.

The Russian Government agrees to grant, during the continuance of the fisheries convention, the said rights to colonists or native races at the places where fishing tracts have already been created once.

It is agreed that the term "colonists" shall be applied only to persons and their families who are personally engaged in fishing, without hiring any workmen.

ARTICLE 7.

The Imperial Russian Government gives the assurance for the future that the fishing tracts already existing in the regions specified in Article I of the fisheries convention shall remain open throughout the duration of the said convention, with the exception of the tracts at present occupied by the colonists for their fishing.

ARTICLE 8.

The duration of the grants of fishing tracts leased by public auction shall be fixed as follows:

1. One year for tracts which are opened for the first time after the fisheries convention goes into force.
2. Three years for tracts which have already been worked for one year.
3. Three years for tracts which have already been worked during the first period of three years.
4. Five years for tracts which have already been worked during the two periods of three years.

ARTICLE 9.

Leases of fishing tracts whose term has not yet expired at the time of expiration of the twelve-year period mentioned in Article XIII of the fisheries convention shall continue to be valid throughout the duration of the term fixed in the aforementioned leases, whatever decision may be reached by the two contracting parties concerning the convention itself.

ARTICLE 10.

The Imperial Russian Government will have no objection to Japanese subjects manufacturing fertilizer from herring, and other species of fish which happen to enter their nets with the herrings, when they are swimming in masses. The Russian Government will also have no objection to Japanese subjects preparing and salting pickled fish after the Japanese manner.

ARTICLE 11.

The certificate of navigation for the voyage from Japan to the fisheries in the Russian waters and back shall be issued by the competent Russian consulates to the Japanese fishers upon the presentation of documents showing—

1. The right to lease the tract or tracts to which the vessel wishes to sail.
2. The number of persons on board.
3. The nature of the cargo, which shall be solely intended for the fishing industry, and its quantity.

The navigation certificate shall enumerate—

1. The name of the vessel and of the port where it is registered.
2. The name of the fishing contractor to whom the tract or tracts have been granted.
3. An exact indication of the fishing tract or tracts to which the vessel is proceeding.
4. The nature and quantity of the cargo.
5. The number of persons on board.

The vessel provided with the aforementioned certificate and with the bill of health shall be authorized to enter and call only at the points along the Russian coasts which are indicated in the certificate. It is a matter of course that the ports where a custom-house is situated shall always be accessible to the said vessel.

Japanese vessels proceeding to Russian waters in order to engage in fishing for whales, cod, etc., by virtue of the third paragraph of Article II of the fisheries convention, shall call provisionally in one of the Russian ports specially designated, where the competent Russian authorities shall issue to them a special permit for such fishing, which permit shall serve them at the same time as the certificate of navigation.

ARTICLE 12.

The use of the ordinary Tateami shall be authorized in all fishing tracts occupied by Japanese subjects, except in tracts situated nearest to the mouths of rivers. It is agreed, moreover, that the use of the Tateami in these last-mentioned fishing tracts shall not be prohibited in case fishing with movable nets is not practicable there.

ARTICLE 13.

It is understood that the expression "fish and aquatic products" used in the fisheries convention and the protocol annexed thereto shall include all species of fish, animals, plants, and other aquatic products, except fur seals and sea otters.

ARTICLE 14.

The present protocol shall be considered as being ratified upon the ratification of the fisheries convention signed to-day, and shall have the same duration as the said convention.

In witness whereof the plenipotentiaries have signed the present protocol and sealed it with their seals.

Done at St. Petersburg, in two copies, on July 15 (28), 1907, being the 28th day of the seventh month of the fortieth day of Midji.

[L. s.] (Signed) ISWOLSKY.

[L. s.] (Signed) I. MOTONO.

[L. s.] (Signed) GOUBASTOFF.

Reciprocal declarations contained in protocol No. 4 of the negotiations on the fisheries convention.

1. With regard to the northern coasts of the Sea of Okhotsk, the Imperial Russian Government, without awaiting the final result of the detailed surveys of these coasts, which will be made without delay, agrees to grant fishing tracts to Japanese subjects in all places which are obviously not comprised within the definition agreed on for the term "inlet."

2. With regard to the prohibition to employ foreign workmen in the fishing tracts of the Liman of the Amour, the plenipotentiary of Russia has given the following explanation to the plenipotentiary of Japan: In fishing tracts leased for a long term the employment of foreign laborers is prohibited both for fishing and the preparation of fish; however, the owners of these tracts may, at their request, lease tracts of ground for a short term at places situated from one-half to 1 dersk from their fishing tracts. No restrictions shall be placed on the nationality of the workmen employed in these tracts of ground intended for use in the preparation of the fish.

In the fishing tracts leased for a short term the employment of foreign laborers is prohibited only in the catching of fish, it being permissible to employ laborers of all nationalities without distinction on land in the preparation of the fish.

It is understood, as a matter of course, that, in the tracts leased for a long term as well as in those for a short term, the aforementioned restrictions regarding nationality shall not apply to persons who are not comprised within the category of laborers, such as foremen, overseers, clerks, etc.

3. It is understood that the expression "short-term leases" applies only to leases whose term does not exceed one year.

4. It is agreed that the fishing tracts situated within the regions specified in Article I of the fisheries convention and leased for a long term before the said convention went into force, shall be leased for a long term immediately after the convention goes into force.

5. All Japanese steam vessels navigating in Russian waters for the purpose of engaging there in the fishing industry must be provided with a ship's journal translated into Russian or English. As to Japanese sailing vessels navigating in Russian waters for the purpose of engaging in the fishing industry, they shall comply with the foregoing provisions as far as possible.

6. The principles laid down in Article XI of the fisheries convention having been established, the plenipotentiaries of Japan expressed the hope that the Imperial Russian Government, in imposing upon Japanese subjects the restrictions which might be connected with the application of this article, will be guided only by considerations of public order and that it will endeavor to reduce them as much as possible. The Russian plenipotentiary replied that he shared this view and that the intention of the Russian Government was to establish the same rules for all foreigners engaged in the industry mentioned in the same article as are now enforced in the Nicolayefsk region (mouth of the Amour and the Liman), but that it reserved the right not to extend these rules to localities where the supervision is difficult.

7. The plenipotentiary of Japan, taking note of the final acceptance by the plenipotentiary of Russia of the wording of Article V whereby the Russian Government agrees not to collect any duty, impost, or tax under any denomination whatever, on fish or aquatic products caught or taken within the Russian waters of the provinces of the coast and of the Amour and intended for export to Japan, whether such fish or aquatic products are manufactured or not, declares that his Government, on its part, will not collect the import duties mentioned in Article XII, but also no duty, impost, or tax, under any denomination whatever, upon fish and aquatic products caught or taken within the Russian waters of the provinces of the coast and of the Amour and imported into Japan, whether such fish and aquatic products have been manufactured or not.

8. In order to avoid all cause of misunderstanding in future regarding certain inlets comprised within the exception mentioned in Article I of the fisheries convention, the map herewith inclosed and giving the exact limits of the said inlets has been annexed to the present protocols.

(Signed)
(Signed)

I. MOTONO.
GOUBASTOFF.

KONGO.

INVESTIGATION OF AFFAIRS IN THE KONGO.

[Continued from Foreign Relations, 1906, p. 88.]

The Consul-General at Boma to the Secretary of State.

[Extract.]

No. 7.]

AMERICAN CONSULATE-GENERAL,
Boma, December 1, 1906.

SIR: I have the honor to transmit herewith a confidential report concerning the Kongo Free State as a commercial undertaking.

I beg to inform the department that this report is based upon personal observation, personal reading of public documents, and conversations with officials, traders, and other trustworthy men of affairs.

I have, etc.,

CLARENCE RICE SLOCUM.

[Inclosure.]

THE KONGO FREE STATE AS A COMMERCIAL UNDERTAKING.

BOMA, December 1, 1906.

I have the honor to report that I find the Kongo Free State, under the present régime, to be nothing but a vast commercial enterprise for the exploitation of the products of the country, particularly that of ivory and rubber.

Admitted by Belgian officials and other foreigners here, the State, as I find it, is not open to trade in the intended sense of article 5 of the Berlin act, under which the State was formed.

The State's regulations as to taxation of river craft is such as to preclude the possibility of private competition in the waters of the Kongo and its affluents, and thus, in my opinion, creates a violation of the spirit of the same act.

The governing power of the State has apparently made every effort to discourage trade in its proper sense, constantly increasing taxation and various restrictions which, I shall point out further on, have all tended to discourage the traders of years' standing here, especially as no public improvements have been made worthy of comment.

While it is true that Boma, the capital, presents a much different appearance than was the case a few years ago, and that railroads have been constructed in the lower and upper Kongo, I state that this has been done for the benefit of the State, or rather, to be exact, the controller of the Kongo Free State, and as an aid to the exploitation(?) of the products of the country; while, on the contrary, public utilities, such as sewers, water pipes, etc., have not been constructed except a few kilometers here at Boma, where the tax for obtaining the service is so exorbitant that few are willing to pay it.

With all the vast exportation of rubber and ivory, and its compensating value in European markets, not even a closed shed as a receptacle of imported goods exists in Boma.

The quays at Boma and Matadi belong to railroad companies, in one of which the State is reputed to possess no interest.

The charges are deemed so excessive that the boats of the *Compagnie Belge Maritime du Congo* are the only ones to employ this means of discharging their cargo.

The German, French, Portuguese, and English boats discharge their cargo into small boats, which are beached, and occasionally the contents spoiled through this necessity of trade.

At Matadi, I believe, the French boats pay the rate demanded and dock accordingly.

RUBBER.

It is practically impossible for the trader to purchase and vend at a profit this commodity, as, in accordance with a decree of the King Sovereign under date of September 22, 1904, every trader purchasing rubber must, for every 100 kilograms or fraction collected from trees or vines, plant 50 trees, and for herb rubber collected or purchased in like quantity, 15 trees.

If the trader possesses no ground upon which to plant the trees required, and it is obvious that he has none, as none can purchase land in quantity sufficient for such purposes, he must plant on the territory of the State and the trees become the property of the State thereby, and this notwithstanding the fact that the trader pays import and export duties, in addition to other taxes, such as that for the recruiting of clerks, office boys, servants, etc.—thus, 100 francs for a license to recruit the same, and an additional tax of 300 francs per head for every clerical employee (black or white), including the manager.

As a proof of the utter absurdity of the law governing the planting of trees, I beg to offer the following incident:

A certain trader of Thysville, having bought rubber, was informed that he would have to conform to the law as stated above.

He asked that ground might be indicated to him where he could plant the required trees, but was officially informed, wherein lies the pith of my remarks on this subject, that he could plant at Leopoldville, a distance of 160 kilometers interior.

However, the more serious obstacle to rubber trading, so far as the "free trade" is concerned, is the export tax on this product, namely, the conventional tax for the present year of 40 centimes per kilogram, a supplementary tax of 25 centimes, and a further domanial tax of 25 centimes—thus, 90 centimes per kilogram—which, it is to be noted, is a higher rate than the State allows the native for rubber furnished in payment of taxes, which varies, for no apparent reason, from 35 to 50 centimes per kilogram.

IVORY.

The commercialism of the State or its governing power is further evidenced in the local (?) ordinance of September 30, 1905, regarding the stamping of ivory; thus, for each elephant killed, one tusk becomes the property of the State (?) and the other must now, by the ordinance referred to, be stamped before being placed on the market.

As the chiefs of the posts charged with this duty are also charged with the purchase of ivory for the State, it is natural to presume that very little of the ivory reaches the open market, and, in fact, does not.

RÉSUMÉ.

There being no money in circulation in the interior of the State, the taxes are paid in kind, for the most part in rubber.

The same is equally true of the colonial territory of the French Republic in the Kongo; but where the French Government have periodical sales of the products collected for taxes, enabling thereby the ordinary trader to acquire at its market value that produce and ship to Europe, the Free State, on the contrary, ships all produce so collected for its own account.

It is obvious that this report applies principally to the domanial lands and not to the produce of the concessionary companies.

As to the concessionary companies, it is obvious that where there is no competition the native is at the mercy of the concessionaire, so far as the value of the goods given in exchange is concerned.

In my opinion, it is thus obvious that under the system prevailing at the present time in the Kongo Free State, the just equivalent of foreign manufactures can not enter, and thus what should be a profitable market for the foreign producer, if the spirit of the Berlin act were carried out, is lost.

That this is true is borne out by the fact that there are no private traders in the upper Kongo with the exception of five trading companies at Stanleyville, which enjoy somewhat of a privilege in trading in what is known as the Free Zone, an area of about 50 by 10 kilometers.

It is common report here, even among the officials of Belgian origin, that in every one of the concessionary companies the State holds the controlling interest.

I have no means at my disposal to prove this statement.

Respectfully submitted.

CLARENCE RICE SLOCUM,
Consul-General.

The Secretary of State to Chargé Carter.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 10, 1906.

Moved by the deep interest shown by all classes of the American people in the amelioration of conditions in the Kongo State, the President has observed with keen appreciation the steps which the British Government is considering toward that humanitarian end. You will say so to Sir Edward Grey, inviting from him such information as to the course and scope of the action which Great Britain may contemplate under the provisions of the general act of the Kongo and in view of the information which the British Government may have acquired concerning the conditions in Central Africa, and you will further express to Sir Edward Grey the desire of the President to contribute by such action and attitude as may be properly within his power toward the realization of whatever reforms may be counseled by the sentiments of humanity and by the experience developed by the past and present workings of Kongo administration. The President's interest in watching the trend toward reform is coupled with the earnest desire to see the full performance of the obligations of articles 2 and 5 of the general Africa slave-trade act of Brussels of July 2, 1890, to which the United States is a party, in all that affects involuntary servitude of the natives.

Root.

Chargé Carter to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
London, December 12, 1906.

With reference to your telegraphic instruction of 10th instant, received yesterday, I saw Sir Edward Grey same afternoon. He was much gratified to learn of the President's interest and the attitude of our Government in regard to the amelioration of conditions in the Kongo. His Majesty's Government are not at present advised of the attitude of the other signatory powers in this regard, but they think, in view of the reports of their own agents and that of the Belgian King's commission, that a radical change is necessary in the

management of affairs in the Kongo. He specified more especially the conditions of forced labor in rubber under guise of taxation, which was practical slavery, leaving out of consideration the various reports of cruelty and other atrocities. He felt that there should be a parliament behind the government in the Kongo, by which he meant that the Belgian Government should become responsible for the administration of affairs in that locality. He therefore had postponed any action to await the result of the present debate upon the subject now going on in the Belgian Parliament. He seemed to think the main obstacle in the way to annexation by Belgium was the difficulty in agreeing upon terms with the King. In the event, however, of the Belgian Government not being able to arrive at such a conclusion His Majesty's Government would feel constrained to address a note to the signatory powers, suggesting a conference. He nevertheless hoped that such a contingency might be avoided by the action of Belgium, and he promised to keep us promptly informed of any developments.

CARTER.

Chargé Carter to the Secretary of State.

No. 296.]

AMERICAN EMBASSY,
London, December 14, 1906.

SIR: I have the honor to inclose herewith a translation of your telegram, dated the 10th instant and received at this embassy on the morning of the 11th, respecting affairs in the Kongo, and also a translation of my telegram in reply thereto of the 12th instant.

In this connection I have the honor to inclose herewith a clipping from the Times of this date reporting a reply made by Sir Edward Grey in the House of Commons to a question put by Mr. Alden, the member for Middlesex, as to whether there would be an international conference to consider the situation in the Kongo Free State. It will be perceived that the answer mentioned was doubtless based upon the information which I conveyed to him at your instance.

I have, etc.,

JOHN RIDGELY CARTER.

[Inclosure 1.]

Memorandum.^a

The President, moved by deep interest shown by all classes of the American people in the amelioration of conditions in the Kongo State, has observed with keen appreciation the steps which His Majesty's Government are considering toward that humanitarian end. The American Government would be glad to have such information as to the course and scope of action as Great Britain may contemplate under the provisions of the general act of the Kongo, having in view the information which His Majesty's Government may have acquired concerning the conditions in Central Africa, it being the desire of the President to contribute by such action and attitude as may be properly within his function toward the realization of whatever reforms may be counseled by the sentiments of humanity and by the experience developed by the past and present workings of the administration of the Kongo.

^a Handed by the American chargé d'affaires ad interim to the British secretary of state for foreign affairs December 11, 1906.

The President's interest in watching the trend toward reform is coupled with the earnest desire to see the full performance of the obligations of articles 2 and 5 of the general Africa slave-trade act of Brussels of July 2, 1890, to which the United States is a party, in all that affects involuntary servitude of the natives.

DECEMBER 11, 1906.

[Inclosure 2.]

[The Times, Friday, December 14, 1906.]

The Kongo.

Sir E. Grey, replying to a question by Mr. Alden (Middlesex, Tottenham) as to an international conference to consider the situation in the Kongo Free State, said:

"The plan of summoning an international conference has not specifically been mentioned. But the United States Government have recently intimated their desire to contribute to the realization of whatever reforms may be counseled by sentiments of humanity, and by the experience of past or present administration in the Kongo State. As the honorable member is no doubt aware, such an announcement is most cordially welcomed by His Majesty's Government. But, pending the decision to which Belgium may soon come, it is unnecessary to make any further statement at the moment."

Minister Wilson to the Secretary of State.

[Extracts.]

No. 141.]

AMERICAN LEGATION,
Brussels, December 18, 1906.

SIR: I have the honor to report to the department the proceedings and conclusion of the debate in the Belgian Parliament upon the question of the proposed annexation of the Kongo Free State to Belgium.

It may be useful at this point briefly to recite the antecedents upon which the present discussion is based, and the circumstances which have made this question since 1890 an issue in Belgian politics.

In the year 1890 the Kongo Free State, finding itself in financial stress, secured from Belgium a loan of \$5,000,000, and simultaneously with the granting of the loan by the Belgian Government, of which the present minister of state, Mr. Beernaert, was then the head, the testament of King Leopold bequeathing the Kongo State to Belgium was made public. Though by its publication this testament transferring the sovereignty of the country acquired the force of a quasi-convention, the Belgian Government deemed it wise to take the additional precaution of stipulating, in granting the loan, that the Kongo State should "contract no new loan hereafter without the consent of the Belgian Government," and, further, "the Belgian Government should be supplied with such information on the economic, commercial, and financial situation as will be desired."

It was also provided that within six months after the expiration of a term of ten years Belgium might, if she found it to her advantage to do so, annex the Kongo State, "with all the property, rights, and advantages attaching to the sovereignty of the State."

The year of 1895 found the Kongo State involved in fresh financial difficulties, and application was again made to the Belgian Government for authorization to contract a new loan. At the same time His

Majesty the King announced his willingness to cede the sovereignty immediately. A measure providing for annexation was accordingly proposed to the Chambers on January 12 by the Count de Merode, Minister for Foreign Affairs. It met, however, with determined opposition, principally from sources which at the present time are supporting annexation. The discussion was prolonged until May 18, when a proposal was made, without qualification or stipulation, that an additional loan be granted.

On this question the Count de Merode resigned his portfolio. The loan, however, was granted, and during the next session the government withdrew the bill for annexation.

It is evident that during all this time His Majesty the King was willing, if not desirous, of transferring the sovereignty of the Kongo State to Belgium. But when the period fixed for the expiration of the right of Belgium to annex arrived in 1901 the situation had entirely changed.

In the intervening period the Kongo Free State had ceased to be a burden, and had become a very profitable source of income to the royal exchequer, and the royal disinclination to hand over the valuable revenues to Belgium became more marked as the revenues increased.

In accordance therefore with His Majesty's desires, it was proposed to, and accepted by, the Belgian Parliament that in recognition of the signal success of the King's administration the right of annexation previously conceded should be waived as to any fixed time, though the right itself was not otherwise modified.

The direct result of this legislation was that the conditions of the convention of 1890 were abrogated, and the Kongo royal revenues were freed from the necessity of meeting the interest of the loan of 1890. Belgium retained the right of annexation, but lost the right of demanding reports on the Kongo budget, and also the right of limiting the power of the King to contract other loans or grant additional concessions.

This situation, highly satisfactory to the King but not wholly so to Belgium, was not arrived at without the exercise of the full influence of the royal prestige and the strenuous exertions of the government party.

The dissatisfaction with existing conditions in the Kongo has, since the enactment of this legislation, been steadily growing, and the popular discontent found expression following the publication of the pamphlet on the Kongo by Mr. Félicien Cattier in a prolonged and vigorous debate during the last session of Parliament.

This discussion bore fruit in the reluctant agreement of the King to appoint a commission to inquire into the administration of the Kongo and report the result of their findings. The report of this commission, which was forwarded to the department in my No. 64, led to the appointment of a commission on reforms, whose report, containing numerous and valuable recommendations for the betterment of conditions in the Kongo, was forwarded to the department in my No. 99.^a

In issuing the royal decrees to carry into effect the recommendations of this report His Majesty at the same time addressed a letter to the secretaries-general of the state.

^a Printed, Foreign Relations, 1906, p. 100.

The Belgian Parliament assembled under the pressure of a vigorous public opinion which demanded an early and definite solution of the question in harmony with Belgian interests.

Coincident with the opening of the session, an interpellation was made by Mr. Hymans (Liberal) on the "situation created for Belgium, with reference to the eventual annexation of the Kongo by the letter of the King Sovereign, dated June 3 last, and the testamentary act thereto appended."

Some twelve or fifteen members participated in the discussion following this interpellation, but it will not be necessary to give more than an outline of the arguments.

Preliminary to the discussion, the premier, Count de Smet de Naeyer, stated that the Government was not wholly adverse to annexation, realizing that great advantages might result therefrom. He stated that a condition precedent to annexation would be the existence of a law defining the régime to be introduced in the Kongo following annexation, and the negotiation of a convention for the transmission of the King's sovereignty in the Kongo to Belgium.

Mr. Hymans then opened the discussion, under the interpellation, by asserting that this was a question to be solved independently of outside pressure and in harmony with the interests and dignity of the Belgian Kingdom.

He directed his remarks in following to the conventional right of Belgium to carry annexation into effect whenever it should see fit, holding that the convention of 1890, which was fortified by the testament of His Majesty bequeathing the Kongo to Belgium, were irrevocable acts of two sovereign powers which could not be modified, except by the free and full consent of both of them; that, as the right of annexation had never been relinquished by Belgium, it remains intact—a State within a State—requiring simply the affirmative initiative of the Belgian Parliament to put it into practical execution. He protested in a dignified but resolute way against the tone and the matter of the King's letter of June 3 last, and said that the letter was not only ill advised and replete with false premises and erroneous conclusions, unacceptable to the Belgian people, but was calculated to promote rather than allay interference from the outside.

Concluding, Mr. Hymans said that, preliminary to annexation, a detailed examination into the affairs of the Kongo Free State would be necessary to ascertain exactly what was being annexed, as there existed a variety of opinions not only as to the state of the Kongo's finances, but also as to the obstacles to complete Belgium's sovereignty created by concessions to the subjects of foreign powers, and the undefined juridical person known as the "Domain of the Crown."

The speeches of Mr. Van den Heuvel, minister of justice, and Mr. Woeste (Government), who followed Mr. Hymans in behalf of the Government, present no essential differences. Both admitted that the right of annexation existed, though they were not equally as positive as to the advantages to be derived therefrom; both defended the King's administration in the Kongo, asserting that the Berlin act had not been in any way violated by the granting of monopolies repugnant to the letter and spirit of that instrument, and both deprecated a preliminary examination into the affairs of the Kongo prior to annexation as a profitless and ungracious return for the royal generosity in bequeathing the Kongo to Belgium.

Neither speaker attempted to argue the constitutional points raised by Mr. Hymans.

Mr. Huysmans (Liberal) adopted practically the position of the Government, and, while declaring for annexation, pronounced himself as opposed to any action which might be interpreted as a reflection upon the King's administration of the Kongo or would in any way detract from the merit and generosity of the King's action.

Mr. Beernaert (Government) was not in accord with his party, but very nearly, if not entirely so, with Mr. Hymans.

He spoke with authority, as he had been premier at the time the original loan was made to the Kongo and had exercised a keen interest at that time in securing the convention with the King which is the basis of Belgium's present rights in the Kongo.

The fact that Mr. Beernaert carried with him, in support of Mr. Hymans's position, some twelve or thirteen government members, thus placing in doubt the Government's position, undoubtedly exercised a very strong influence in determining the result at the conclusion of the debate.

At the conclusion of the debate it became evident that no one of the various motions which had been submitted had a majority, and it was therefore determined at a consultation between the liberal and governmental forces that a new "ordre du jour," or motion, should be framed which would meet the demands of public opinion and command a healthy majority in the chamber.

The following "ordre du jour," or motion, was therefore submitted and adopted, with only 30 (Socialists) votes dissenting:

The Chamber,

Referring to the order of the day voted at the session of March 2, 1906;

Rendering homage to the greatness of the work in the Kongo and of the patriotic intentions of its founder;

Convinced that the civilized ideas which governed the establishment of the Independent State should continue to occupy the first place in the consideration of the country;

Considering that Belgium is authorized by the royal testament of August 2, 1889, to exercise full sovereignty over the independent State of the Kongo; that it possess also the right to annex the Kongo in virtue of the royal letter of August 5, 1889, and of the law of August 10, 1901, asserting the principle contained in the convention of July 2, 1890; and that it is to the interest of the country to definitely determine the question of annexation during the lifetime of the King;

Acting on the statements of the Government according to which the declarations contained in the letter of the 3d of June do not constitute condition, "but solemn recommendations;" the convention determining the session will only have in view the completion of the transfer and the prescription of the executive measures connected therewith; the Belgian legislative power will exercise full right of control in instituting the régime for the colonial possessions;

Considering that the committee charged with the examination of the bill of August 7, 1901, relative to the régime of colonial possessions, should be advised to adapt said régime to the conditions and needs of the independent State of the Kongo, and should have at its disposition for this purpose all the information necessary for drafting the law;

Acting on the declaration of the Government that it is ready to give its assistance in furnishing the committee all documents necessary to the elaboration of a law for colonial possessions;

Desiring, without prejudging the conclusion, to have the question of annexation of the Kongo submitted to it within as brief a delay as possible, in accordance with the views expressed by the Government;

Gives expression to the wish that the committee should hurry its work and report in as brief a delay as possible.

The ordre du jour is adopted.

It will be noted from reading the "ordre du jour" that three definite and important declarations are made:

First, the conventional right of Belgium to annex the Kongo in such manner and at such time as the Belgian legislative power may determine.

Second, that the necessity for prompt and diligent action by the committee having the colonial law in charge is urgent.

Third, that the Kongo administration is charged to immediately furnish the committee full information as to the present status of the Kongo State.

By the affirmation of Belgium's conventional right to exercise sovereignty over the Kongo, the conflict between the King as absolute sovereign of the Kongo and the Belgian legislative power ceases, and a free hand is given for the institution of a Belgian colonial régime whenever the Belgian Parliament shall determine upon annexation.

By the injunction of haste to the committee, the Belgian legislative power announces its intention to accomplish annexation as soon as the details essential to the framework of the colonial law shall come into its possession.

By the instruction to the committee to receive, and the Kongo administration to furnish, all essential details of the nature, scope, and condition of the present Kongo régime, notice is given to the world that light will be shed upon an hitherto impenetrable situation, and, further, that as a condition precedent to annexation it must be demonstrated that there is something to annex.

A great forward step toward annexation has therefore been taken, and the question of the right of annexation having been clearly and definitely settled, it may be anticipated that the logical and certain resultant therefrom will be annexation itself within a year, unless it should be discovered in the investigation made into the existing system that carrying the right to its conclusion would involve Belgium in great difficulties without adequate compensation.

The further developments in the situation will be noted and reported to the department from time to time.

As of possible use to the department, I inclose copies of the "Compte Rendu Analytique," which contains in the French text a résumé of the debates.^a

I have, etc.,

HENRY LANE WILSON.

The Secretary of State to Minister Wilson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 15, 1907.

Our attitude toward Kongo question reflects deep interest of all classes of American people in the amelioration of conditions. The President's interest in watching the trend toward reform is coupled with earnest desire to see full performance of the obligations of articles 2 and 5 of slave-trade act, to which we are a party. We will cheerfully accord all moral support toward these ends, especially as to all that affects involuntary servitude of the natives. It is the

^a Not printed.

President's desire to contribute by such action toward the realization of whatever reforms may be counseled by the sentiments of humanity and by the experience developed by the past and present workings of the Kongo administration. The Belgian Parliament having adopted principle of annexation and appointed a committee to arrange details, it is alike proper that the wish of the President for substantial improvement of conditions in the Kongo be made known, and that he should for the present observe an expectant attitude, as we understand is the policy of some of the powers signatories to the act of Berlin.

Roos.

Minister Wilson to the Secretary of State.

No. 146.]

AMERICAN LEGATION,
Brussels, January 23, 1907.

SIR: I have the honor to acknowledge the receipt of department's cablegram of January 15.^a

A study of the cablegram, after its translation, convinced me that the department had not overlooked the fact that I hold no credentials to the Kongo Free State and could not for that reason maintain an official correspondence with it, but, desiring to have our attitude and the President's views brought to the attention of the Kongo Government, relied upon me to accomplish that result in such way and manner, officially or unofficially, as might seem most advisable.

On the day following the receipt of the cablegram I happened to meet at breakfast, in the house of a mutual friend, Mr. Edmond Carton de Wiart, the King's secretary, whom I have known more or less intimately since my first arrival here, and with whom I have frequently discussed phases of the Kongo question.

When an opportunity offered, I asked Mr. Carton de Wiart whether it would suit him, and would be agreeable to His Majesty the King, to take knowledge of the contents of a cablegram from the Secretary of State expressing our attitude on the Kongo question. He answered that he would be very pleased to bring anything of that kind to the attention of His Majesty in a purely informal way. I accordingly handed him a copy of the cablegram.

He read the text carefully and understandingly, but did not ask for a copy. The only comment he made was to inquire whether my government was fully informed as to the present status of the Kongo question and the reforms that were in contemplation.

I answered that the legation had transmitted all available information to Washington.

On the next day, not being entirely sure that I had taken the most effectual method of bringing our attitude to the knowledge of the King's Government, I paid a visit to the Chevalier van der Elst, the secretary-general of the Belgian cabinet, who has been the unofficial intermediary through which I have acted always in Kongo matters, and said to him that I was in possession of an expression of the attitude of our Government relative to the present status of the Kongo

^a Supra.

question, and being without credentials to the Kongo Government I was uncertain as to what would be the most acceptable manner of making these views known.

The Chevalier expressed his willingness to convey the contents of my cablegram to the knowledge of His Majesty, and asked to be permitted to take a copy of the same. This I gave him, and I understood him to intimate that I might perhaps receive an acknowledgment, with some comments, later on.

Yesterday the King's secretary, Mr. Carton de Wiart, came to the legation to ask me whether the department was in possession of the Bulletin Officiel de l'Etat Independant du Congo, No. 6, twenty-second year, June, 1906, which contains, on pages 230-231, under the caption "Impositions directes et personnelles," articles 1 and 2 of the royal decree relative to direct and personal taxes to be paid by the natives. This publication has already been forwarded to the department, but I take the precaution of inclosing another copy herewith.

Whatever further information I obtain will be promptly transmitted to the department.

I will be gratified to know whether my course in this matter meets with the approval of the department.

I have, etc.,

HENRY LANE WILSON.

[Inclosure.—Translation.]

ARTICLE I.

Article 2 of the regulation for direct and personal taxation annexed to the decree of November 18, 1903, is to be substituted by the following:

ART. 2. Every adult and able-bodied native is subject to tax, either individually or collectively.

The governor-general shall fix the amount of the tax proportionally to the resources of the several regions and to the population and to the degree of development of the natives. It can not be less than 6 francs nor more than 24 francs per year.

The tax is payable monthly, but the district commissioners may extend the period to two or three months, according to the requirements and heeding the particular needs of the natives.

ART. 2 bis. The natives may pay either in kind or in labor.

The district commissioners shall fix the articles, either from the natural products or industry of the natives, which are to be accepted in payment of the tax and their equivalent value.

They shall fix the kind of work which the natives may give in payment of the tax. They shall, taking as a basis the local wage rate, fix the equivalence in money of an hour's labor. They shall fix the quantity of produce representative of an hour's labor, taking into account the conditions under which the natives procure the product, the richness of the forest, its distance from the villages, the nature of the product, the method of gathering it, etc., but in such way that the number of hours of labor corresponding to the tax shall in no case exceed forty per month.

ARTICLE II.

Articles 28, 29, 31, 32, 33, and 34 are substituted by the following:

ART. 28. Each year, before September 1, the district commissioners shall assess the amount of taxes for the following year according to the number of the natives residing in the territory of the district.

Before the 1st of March of each year the district commissioner shall take a supplementary census. The taxes set by the supplementary assessment are not to be collected until the July following.

The census shall bear the names of the natives and the share of tax due from each. They shall indicate, by divisions of the region, the various work or products utilizable which shall be accepted in payment of the tax, conformably with article 2 bis of the present regulation, and the share of compensation due to the contributors by virtue of article 33 below.

ART. 29. In exceptional cases the governor-general may, for good reason, remit part or all of the tax to the natives or populations which he may designate.

ART. 31. A table of equivalents, as provided by article 2 bis, is to be drawn up by the district commissioners, which must be approved by the governor-general, at the same time as the assessment for the tax.

Except in case of necessity, and then by permission of the governor-general, upon the suggestion of the district commissioner, the natives are not permitted to furnish as payment of the tax domestic beasts or birds, nor ordinary station labor.

ART. 32. The heads of posts or agents of the state specially designated by the governor-general, are charged, under the surveillance of the district commissioners, with the collection of the tax and may take to that end the necessary measures. The collection may be direct or through the native chiefs.

It is forbidden to arm "capitas" or sentries with breech-loading or improved rifles in collecting payments overdue.

ART. 33. To encourage the taste for work the natives are accorded, outside of the delivery of the products or in return for days of labor which they shall furnish, remuneration based on the value of the products or the local wage rate.

The remuneration is payable in merchandise at the choice of the natives or in notes upon the state's stores, payable upon presentation.

Minister Wilson to the Secretary of State.

No. 149.]

AMERICAN LEGATION,
Brussels, January 27, 1907.

SIR: In my No. 146, referring to a conversation with the King's secretary, Mr. Carton de Wiart, re the department's cablegram of January 15, I intimated that possibly His Majesty might think it fit to make some observations thereon, and that in such case I would at once transmit the same.

I have just received from Mr. Carton de Wiart a note—copy and translation of which is inclosed—together with a memorandum evidently drawn to meet the suggestions contained in the department's cablegram. A copy and translation are transmitted herewith, together with a copy of the circulars and instructions therein referred to.

So far as I am able to judge from my knowledge of the Kongo question, the memorandum is a correct statement of the Kongo Government's policy and of the workings of its administration. I consider it worthy of the department's attention and study.

I have, etc.,

HENRY LANE WILSON.

[Inclosure 1.—Translation.]

CABINET OF THE KING,
Palace of Brussels, January 25, 1907.

MR. DEAR MINISTER: I have the pleasure of sending you herewith the information suggested by our conversation of the other day.

Please accept, etc.

CARTON DE WIART.

[Inclosure 2.—Translation.]

I. Following is a description of the manner in which the provisions of articles 2 and 5 of the act of Brussels have been realized in the Independent State of the Kongo:

Article 2 defines the rôle of the interior stations and crossings. Independently of their principal mission, which is to prevent the capture of slaves and to close the slave-trade roads, their object is:

1. To serve as points of refuge and aid to the population, to diminish the intestine wars between tribes, to instruct them in agricultural works and industrial art, and to bring about the suppression of barbarous customs.

Regarding the slave trade, it may be said that it exists no more. The destruction of the power of the Arab slave traders in 1892 and 1893 devolved on the state, then just organized, considerable sacrifices, but it has resulted in putting an end definitely to the chase and trade of human beings. In 1892 the Arabs covered the country from the Tanganyika to the Sankuru, and, masters of Nyangwe, Kassongo, Stanleyville, they found their way to the north near Bomokandi. This whole region was the field of their depredations, and at that time it was stated that the slave trade—with accompanying murders—made annually a million victims. At the beginning, the government assumed toward them an expectant and conciliatory attitude, nevertheless strongly organizing its military resources. It was very soon convinced, however, that persuasion would not induce them to adopt the ways of honest commerce; the Arabs attempted to force the military barriers adopted to restrain them, and the conflict was produced. It terminated with the taking of Stanley Falls, of Nyangwe, the rout of Rumaliza in Tanganyika, and the defeat of all the chiefs of any importance.

The effective occupation of all these posts by the forces of the Kongo State has rendered impossible a continuance of the régime of slavery. The influence of the victories of the state over the Arab traders has, in reality, reached far beyond our frontiers in wiping out the Arab organization which devastated not only certain parts of the Kongolese territory, but all Central Africa.

Relative to the point before mentioned of the subordinate duties devolving upon the stations, it may be said that they have been equally accomplished. It will suffice to call attention to the fact that 296 posts of the state have been distributed over all the territory which is actually occupied, in such way that efficacious protection is given to the population and internal wars between the tribes prevented.

Relative to barbarous customs, human sacrifices, mutilations, trials by poison, etc., not only have they been legally condemned by our penal legislation (decree of September 18, 1896), but in addition the organization of the state, the development of lines of communication, and the extensive exploration of the regions of the interior are in themselves certain factors for the extinction of these customs.

2 and 3. To give aid and protection to commercial enterprises, to maintain the observance of law in controlling particularly the contracts of service with the natives, and to establish permanent agricultural centers and commercial houses, as also to protect and to assist without distinction the missions founded or to be founded.

We must rely on statistics to prove the accomplishment of that part of the task assigned to the interior stations. If there are to-day, in the upper Kongo alone, 246 commercial houses and stations (the number of trading posts for the whole territory exceeding 500), and if the present existence there of more than a hundred permanent Catholic and Protestant missions is considered, it must be admitted that these different establishments exist because of the protection afforded them by the government posts. The control of relations between merchants and natives is provided for by the decree of November 8, 1888, which regulates contracts of labor.

4. To furnish sanitary service and hospitality and aid to explorers and to all those who aid in the work of wiping out the slave trade in Africa.

The state has organized medical service in all the districts. By introducing the study and practice of vaccination it has combated with success the spread of smallpox, and it at present combats the new disease of sleeping sickness, which desolates all of Central Africa; it will suffice to indicate here that by a decree of the 3d of June last a credit of 300,000 francs was made available for the study of the disease and a prize of 200,000 francs was established to be awarded to whomsoever should discover an effective cure therefor. It assists and subsidizes the missions or scientific institutions which are engaged in the

study of this disease in the Kongo. There is in Brussels a school of medicine for tropical diseases which has just been created for the instruction and equipment of state physicians and more especially for their initiation in bacteriological processes. Relative to hospitality and assistance to be furnished to explorers and to those who combat the slave trade, it should be noted that the Anti-Slavery Society, established on the banks of the Tanganyika at the time of the Arab war, with the active support of the state, has worked with success in the extinction of the slave trade. The explorers and commercial agents, as well as the tourists and sportsmen of all countries, have always enjoyed the most generous hospitality in the Kongo, and recently many American citizens, notably Messrs. William Geil, Verner, Herbert Brigman, and Professor Starr, have stayed for long periods in different parts of the territory and have received every assistance.

The fifth article of the Brussels act provides that the different contracting powers shall make legal provision for the punishment of every kind of slave trading and of all attempts against personal liberty.

A report to the Sovereign King "on the legislation of the Independent State relative to the suppression of slavery and the protection of the black race," published in the *Bulletin Officiel* of 1889, No. 11, pages 197 and following, recounts the penal provisions taken at that time for that purpose. The report says:

"All attempts against personal liberty will be considered as offenses punishable under the provisions of article 11 and following of penal code. Whomsoever, by violence or threats, has carried away or caused to be carried away, arrested or caused to be arrested in an arbitrary manner, imprisoned or caused to be imprisoned, any person, is punished (article 2); whoever sells any person into slavery is punished. By these general regulations the traffic, the transportation, and the detention of persons as slaves falls under the provisions of the penal law."

Supplemental to these regulations, a decree of July 1, 1891, provides punishment, as required by article 5 of the Brussels act, for the capture, the conveyance, and the trade in slaves, the transportation and the concealment of slaves, the formation of organizations for the purpose of trading in slaves, all attempts against personal liberty, mutilations, etc., etc. A report was published in the *Bulletin Officiel* of 1895, pages 100 and following: "Relative to the measures taken by the Independent State in putting into effect the provisions of the Brussels act." This report analyzes not only the legislation in the matter of the slave trade, but recites also the regulations established in the matter of introduction of arms and spirits, the application of the law in these matters being considered, in the act of Brussels, as closely connected with the measures taken for the extirpation of the epidemics which decimate the native population.

In these different directions the legislative system installed by the state has gone beyond the scope of the provisions of the conference, thereby assuming heavier burdens than any power holding possessions in Africa.

Recently, publications hostile to the state have attempted to place upon it the responsibility for the reappearance of the trade in slaves on the Tanganyika. According to the testimony of a Catholic missionary, certain merchants coming from a neighboring colony took back with them not only rubber, but also slaves bought from the native chiefs. It is not denied that cases of this kind occur; it would indeed be strange if caravans should not succeed in smuggling slaves as well as products, owing to the circumstances that they have in their employ numbers of employees. According to the statements made to the press by Monsignor Roelens, superior of the vicarage of the upper Kongo, this traffic is not made extensively, and in fact it has only been necessary for this prelate to indicate the evil to the central government at Brussels to obtain an order to organize an active guard to prevent its repetition. It is nevertheless very difficult to prevent some infractions of the law. It is to the interest of the state to apply all its resources to that task; moreover, since these infractions cover the odious traffic in human flesh—even though this traffic existed in infinitesimal proportions—all the efforts of the Government will be nevertheless directed to wiping it out, and it expects to succeed fully.

II. Relative to the "inhuman treatment inflicted on the natives," the existence of which is affirmed by Senator Lodge in the motion submitted to the Senate at Washington, "ought to attract the attention of the civilized world and to arouse the indignation and compassion of the American people," it may be positively affirmed that there does not exist any organized system for the maltreatment of the natives, though it may be admitted that there occur in the Kongo, as in all the countries of the world, even the most civilized, individual

crimes; but whenever such crimes are brought to the knowledge of the judicial authority their authors are prosecuted in the courts, the practical development of the state having as its corollary the widening of its civilizing influence in the material and moral condition of the natives.

The report of the investigating committee has indicated the improvements which ought to be made in the condition of the natives. The suggestions of the investigating committee, the impartiality of which the most ardent enemies of the Kongo State are compelled to acknowledge, has been studied by an examining committee, whose proposals have been formulated in a series of decrees on June 3, 1906, and published in the Bulletin Officiel of the Independent State of the Kongo, 1906, No. 6. On the question of the reforms realized by these decrees, the chief of the British foreign office said to the House of Commons on July 5 last: "If they should be applied in good faith they may produce a great change; they may produce much good." The state employs all its resources to effectually apply them. The circulars and instructions relative to the execution of the decrees of June 3, 1906, have been published in the Bulletin Officiel and this is the guaranty of the desire of the Government that the reforms referred to shall be carried out. A copy of these circulars is herewith inclosed.

All the arguments of the critics of the state consists of accounts that in certain villages the period of compulsory work exceeds forty hours a month. This can not be called inhuman treatment, and it would be better for the informants of the Kongo Reform Association, instead of agitating Europe, to bring the offenses to the attention of the local authorities, who, if the information is found to be correct, may be depended upon to punish them.

It may be affirmed that there are no instances of inhuman treatment in cases where the state is concerned. Relative to taxes, although the new decrees establish the principle that taxes are payable in money, it has been left to the choice of the natives to make payment in money, in work, or in products—in products in default of work, in money in a sum less than that paid in any African colony.

It is reasonable to suppose that so long as the circulating medium remains contracted and limited the greater part of the natives will elect to pay the tax in labor equivalent to the amount of tax in money. No one denies that this system is legitimate. The British minister for foreign affairs, at the session of the House of Commons referred to before, expressing his appreciation of the reforms initiated by the Kongo State, admitted that "if a native can not pay a tax and if his work is given to the state in lieu thereof, such labor may be properly termed a tax." This system of paying taxes by labor exists, moreover, in all the African colonies, because the most of the laws recognize the fact that the native, since he is incapable of paying a tax in money, should have the right to assume other burdens in place thereof. The guaranties which surround the application of this labor tax are numerous; the amount of work is limited to forty hours per month, which is not excessive, according to the reports of colonial experts. Severe punishment is inflicted upon officials who overtax the natives. The governor-general is charged with the duty of approving the tax rolls. These tax rolls are public property, and every native may ascertain what he ought to pay and when. The interference of commercial agents in the levying of the tax is forbidden, and this work is performed only by official agents. The state inspectors have been instructed to pay especial attention to the labor tax and to secure good treatment to the natives. The methods to be employed against natives who refuse to pay their taxes are defined by law in precise terms and are limited to imprisonment, excluding corporal punishment. The laws say that in case of refusal to make payment of the tax by labor, those natives not possessing either goods or chattels may be compelled to discharge their obligations (article 54 of the decree of June 3, 1906). The punishment consists in imprisonment, during which the prisoner is required to work (article 55); the imprisonment shall not exceed one month (article 57), and it may not be put into effect except after two successive personal notices, each with fifteen intervening days (articles 58 and 59).

An accurate knowledge of the fiscal régime in force in the Kongo upsets absolutely the idea of inhuman compulsory labor or of the imposition upon the natives of cruel and unusual tasks. It is well known that the native always complains of the payment of taxes; the African negro is particularly indolent, and unless the law is made to harmonize with the theory of industry he will remain indefinitely in a condition of idleness and laziness, and would be an invincible obstacle to the introduction of civilization and the improvement of Africa.

Minister Wilson to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Brussels, February 7, 1907.

Minister for foreign affairs of Belgium called on me yesterday for the purpose of expressing his views relative to the possible effect of the Lodge resolution now before the Senate. Having expressed a desire that his observations should be transmitted by telegram to Washington, I requested a memorandum on the subject. This he gave me, and it is as follows:

The Belgian Government having learned that the vote on the Lodge resolution is represented in the United States as being conducive to the immediate annexation of the Kongo by Belgium, the minister for foreign affairs, in a private conversation, has thought it expedient to call the attention of Mr. Wilson unofficially to the declarations of the Cabinet and of the leaders of the different political parties during the last discussion in the Chamber of Representatives on the Kongo question, according to which Belgium affirmed its intention to decide the question of annexation after a thorough examination of the subject and in the free exercise of its independence and autonomy.

WILSON.

The Acting Secretary of State to Minister Wilson.

No. 93.]

DEPARTMENT OF STATE,
Washington, February 9, 1907.

SIR: I have to acknowledge the receipt of your dispatch, No. 146, of the 23d ultimo, acknowledging the receipt of the department's telegram of the 15th of the same month communicating to you this Government's attitude in relation to the Kongo question, reporting your action in making His Majesty's Government aware of its contents, except so much thereof as refers to the resolution pending in the Senate, and asking whether the department approves your course.

In view of the fact adverted to on page 2 of your dispatch, that you hold no credentials to the Kongo Free State and therefore can not maintain an official correspondence with it, the department is of the opinion that you have acted wisely in this matter and approves your course.

You are requested to furnish the department with a list of the members of the diplomatic corps at Brussels who are accredited to the sovereign of the Kongo State and to report how they are so accredited.

I am, etc.,

ROBERT BACON.

Senate resolution in regard to the Kongo.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 15, 1907.

Whereas it is alleged that the native inhabitants of the Basin of the Congo have been subjected to inhuman treatment of a character that should claim the attention and excite the compassion of the people of the United States: Therefore, be it

Resolved, That the President is respectfully advised that in case he shall find that such allegations are established by proof, he will receive the cordial support of the Senate in any steps, not inconsistent with treaty or other international obligations, or with the traditional American foreign policy which forbids participation by the United States in the settlement of political questions which are entirely European in their scope, he may deem it wise to take in cooperation with or in aid of any of the powers signatories of the treaty of Berlin for the amelioration of the condition of such inhabitants.

Attest:

(Signed) CHARLES G. BENNETT,
Secretary.

By H. M. ROSE,
Assistant Secretary.

Minister Wilson to the Secretary of State.

[Extract.]

No. 160.]

AMERICAN LEGATION,
Brussels, March 16, 1907.

SIR: Referring to the last paragraph of the department's No. 93, of February 9 (File No. 1806/102-103), in which a list of the members of the diplomatic corps of Brussels who are accredited to the sovereign of the Kongo State is requested, I have the honor to report that I find upon investigation that none of the members of the resident corps are so accredited.

Such business as diplomatic representatives are obliged, under instructions from their Governments, to transact with the Kongo Free State is usually carried on very much in the same manner as has been the custom in this legation.

The experience of other legations in transacting diplomatic business in this irregular and informal way has not been found satisfactory.

It should be remembered, however, that those acute phases of the Kongo question requiring delicate handling, accurate information, and intelligent understanding have developed only during recent years, and the necessity for adequate diplomatic representation has therefore only lately become of pressing importance.

I have no information as to the intention of any government to accredit representatives to the sovereign of the Kongo State.

I am, however, of the opinion that, in our case, the clothing of the diplomatic representative of Belgium with additional powers to the sovereign of the Kongo State would contribute considerably toward more effective diplomatic action.

I have, etc.,

HENRY LANE WILSON.

The Acting Secretary of State to Minister Wilson.

No. 96.]

DEPARTMENT OF STATE,
Washington, April 1, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 160, of the 16th ultimo, reporting that none of the powers has accredited

a diplomatic representative to the sovereign of the Kongo Free State, and suggesting that if the American minister were so accredited more effective diplomatic action would result.

In view of the action of the other powers, no change in the practice of the United States in this regard appears to be necessary.

I am, etc.,

ROBERT BACON.

Minister Wilson to the Secretary of State.

No. 199.]

AMERICAN LEGATION,
Brussels, July 12, 1907.

SIR: I have the honor to report that at the session of the Belgian House of Representatives on July 10, the prime minister, J. de Trooz, responding to an interpellation submitted by Deputy Paul Hymans, leader of the Liberal party, stated that the Government proposed immediately to take up the question of the annexation of the Kongo, and that pourparlers were being exchanged with the Independent State for the purpose of establishing the basis of the negotiations.

The prime minister, in connection with this statement, laid before the House correspondence which had recently been exchanged between the Belgian Cabinet and the secretary-general for foreign affairs of the Independent State.

Copies of the correspondence (inclosures Nos. 1 and 3) are transmitted herewith, together with translations thereof (inclosures Nos. 2 and 4).

I have, etc.,

HENRY LANE WILSON.

[Inclosure 1.—Translation.]

The Minister of Interior to the Secretary-General for Foreign Affairs.

BRUSSELS, June 29, 1907.

MONSIEUR LE CHEVALIER: At the time of assuming control of affairs the Government laid before Parliament a declaration outlining its policy. We have now the honor to communicate to you herewith the portion of that declaration which relates to the Kongo.

As you may see, Monsieur le Chevalier, by perusal of this document, it is the intention of the Cabinet to make it possible for the Chambers to act upon the question of a colonial law and to determine if the interest of the country will justify the annexation of the Kongo at the present time.

The Government proposes, in this connection, to the government of the Kongo immediately to initiate the negotiations with the object of embodying their views in a convention to be submitted to the Chambers.

This convention, following the lines of that which was concluded on the 9th of January, 1895, will consummate the transfer and define the measures necessary to carry the same into effect.

It appears opportune at this time to designate special delegates selected by the two States to prepare the said convention.

It would accord with our views to have four plenipotentiaries designated on each side to take charge of the work.

We therefore beg you to advise us if the views of the Independent State agree with ours on this subject.

Please accept, etc.,

(Signed)

MINISTER OF INTERIOR
J. DE TROOZ.

(Signed)

MINISTER OF FOREIGN AFFAIRS,
DAVIGNON.

(Signed)

MINISTER OF JUSTICE,
RENKIN.

[Inclosure 2.—Translation.]

The Secretary-General for Foreign Affairs to the Minister of the Interior.)

BRUSSELS, July 8, 1907.

Monsieur LE MINISTRE: By letter of the 29th of June last, the Belgian Government has made known to the government of the Kongo State its intention to enable the Chambers to consider a colonial law and to determine whether the interest of the country will justify the annexation of the Kongo at the present time.

It proposed in that connection to the government of the Kongo immediately to initiate negotiations with the object of embodying their views in a convention to be submitted to the Chambers. This convention, following the line of that which was concluded on the 9th of January, 1895, will consummate the transfer and define the measures necessary to carry the same into effect.

The government of the Kongo has the honor to inform you, Monsieur le Ministre, that it accepts this proposition and is ready, at such time as will suit the convenience of the Belgian Government, to negotiate the convention which shall embody the understanding arrived at between the two States.

The Belgian Cabinet suggests that the two Governments should select special delegates to be charged with the preparation of the said convention, and that these delegates should be four in number for each party; these views equally meet the approval of the Kongo State.

Please accept, etc.,

(Signed)

CHEVALIER DE CUVELIER.

Chargé Bliss to the Secretary of State.

No. 215.]

AMERICAN LEGATION,
Brussels, August 27, 1907.

SIR: Referring to Mr. Wilson's No. 199, of June 12, I have the honor to report that on Friday last, the 23d instant, the names were made public of the plenipotentiaries whom the Belgian and Kongo-
lese governments have appointed to draw up a convention to be submitted to the Belgian legislative bodies.

The Kongo delegates are: General de Wahis, late governor of the Kongo; Mr. Willemaers, president of the Brussels court of appeal; Chevalier de Cuvelier, secretary-general for foreign affairs of the Independent State of the Kongo; and Mr. Ernest Solvey, a prominent Belgian manufacturer and philanthropist. The Belgian delegates are: Mr. Joostens, Belgian minister to Spain; Mr. van Maldegem, president of the court of cassation; Mr. Beco, governor of the Brabant Province; and Mr. van Cutsem, a director in the Belgian treasury.

Mr. Solvey and Mr. Joostens are personal friends of His Majesty the King, while the other plenipotentiaries, with the exception of General de Wahis and Chevalier de Cuvelier, have little knowledge of colonial matters.

The commission held its first meeting yesterday in the ministry for foreign affairs.

I am, etc.,

ROBERT W. BLISS.

Minister Wilson to the Secretary of State.

No. 241.]

AMERICAN LEGATION,
Brussels, October 16, 1907.

SIR: I have the honor to inclose herewith the copy in the English text of the bill for a colonial law offered by the present ministry and which is now being discussed by the special committee of Parliament appointed for that purpose.

This commission has been meeting in regular session for some time past, and each article of the proposed law has been subjected to rigid scrutiny and has provoked long debates, numerous amendments being offered, some of which are valuable additions to the law and others of an impractical character.

As there is no official report of the proceedings it is difficult to know the amount of progress that has been made and what changes, if any, have been recommended.

The principal objection of the opposition is to Article XIX, which contains the provision for a colonial council of nine members, to be nominated by the King.

I have, etc.,

HENRY LANE WILSON.

[Inclosure.—Translation.]

Belgian colonial project.

ARTICLE I. All Belgian colonies shall be considered as possessing a legal status separate from that of the mother country, and will be regulated by special laws.

ART. II. All legislative power over Belgian colonial possessions will be held by the King, according to the present law and with certain known exceptions.

ART. III. Such legislation will be exercised by royal decrees. With the exception of certain points named in Articles IX, X, and XIX, the decrees will be signed by the King on the suggestion of the minister of colonies. No decree is to be considered as law until after publication.

ART. IV. The executive power will belong to the King. It will be made known by regulations and by-laws.

ART. V. No act of the King can take effect until it has been countersigned by a minister, who thus will be alone responsible.

ART. VI. No customs or taxation may be established or rescinded except by royal decree.

ART. VII. The Belgian currency in gold and silver is to be available under the same conditions for the Kongo. Any profit resulting from minting extra Belgian money for the colony will pass to the colonial budget. The King will reserve the right to strike billon coins for special colonial use, which will not be current in Belgium.

ART. VIII. The budget of receipts and expenses will be passed each year by the King. But the salary of the colonial minister and the expenses of the central colonial government in Belgium will form a special budget, which will be annually submitted to the Chambers, according to article 115 of the constitution.

ART. IX. The decrees approving loans chargeable to or under the guaranty of the colony, and the works on extraordinary supplies, will only be taken on the propositions of ministers in council.

ART. X. All cession or concession, either made freely or for payment, no matter the length of time either of domanial possessions or of the enjoyment of such, situated in colonial possessions, must have the consent or authorization of royal decree. The act which sets forth the permission must contain the stipulations made in each case by ministers in council.

ART. XI. Both civil and military justice will be organized by decree.

ART. XII. The functionaries of judicial law will be appointed and revoked by the King. Their revocation can only take place at the demand of the governor-general, which shall have for its basis reasons foreseen by decree, and with the advice of the supreme colonial tribunal.

ART. XIII. The King may, for reasons of public safety, suspend in any neighborhood decided upon all courts and tribunals of civil justice and confide the exercise of repressive justice to the military.

ART. XIV. Justice will be given and executed in the name of the King. Such will be justified. The King retains the prerogative to pardon, reduce, or commute punishments.

ART. XV. The King may delegate the executive power to the governor-general of the colony. He may authorize, when the interest or the safety of the colony requires it, the momentary suspension of decrees, and himself pass regulations to be considered as laws. But such regulations having this object cease to be enforceable after the delay of a year if they have not been approved by decree before that period expires.

CHAPTER II.

ART. XVI. Each year a report on the administration of the colonial possessions shall be submitted to the chambers in the name of the King. This report will contain all the information necessary to explain the political situation, the economic, the financial position, and the moral status of these possessions to the national representatives.

ART. XVII. The colonial budget for the current year, as well as the detailed account of the receipts and expenses of the last financial year, will be added as schedules to the annual report.

CHAPTER III.

ART. XVIII. A colonial ministry will be instituted. The colonial minister will be nominated and revoked by the King, and will form part of the colonial council. Articles 86 to 91 of the Belgian constitution will be applicable to him.

ART. XIX. The colonial council will be composed of nine members, nominated by the King. They can only be revoked by a decree of the ministers in council. Five of these members must have already exercised administrative, judicial, or military order in the colonies, or have managed for at least eighteen months an industrial or commercial establishment. The other members will be chosen from the superior grades in the army, magistrates of the courts of cassation or appeal, members of the council of industry or commerce, members or former members of the diplomatic and consular corps, and professors of universities. The length of office in the colonial council will be nine years. One member—open to reelection—will retire each year. No member of either House of Parliament may form part of the council.

ART. XX. The colonial council will deliberate on all matters submitted by the King. The council will be consulted in all royal decrees excepting in cases foreseen by Articles IX, X, XIX. The council will give its advice in the form of reports, with reasons. Decrees passed in urgent cases will be submitted to the council within ten days of their date, with an indication of the reason for urgency. When the project of decree to be signed by the King is against the opinion of the colonial council, the decree will be published with an explanatory report by the minister of the colonies. In case of urgency this report will be published within twenty days of its receipt of the communication. The minister will preside over the seances and will have a casting vote.

CHAPTER IV.

ART. XXI. The King will make treaties concerning colonial possessions. The regulations of article 68 of the Belgian constitution concerning treaties will apply to the colonies.

ART. XXII. The Belgian minister for foreign affairs will manage the relations between Belgium and foreign powers concerning the Kongo.

CHAPTER V.

General regulations.

ART. XXIII. Judgments passed in civil and commercial matters in Belgium are to be carried out in the colonies. Judgments passed by colonial tribunals will be legally executable in Belgium.

ART. XXIV. Whoever, having broken colonial law, has taken refuge in Belgium will be judged by Belgian law. Whoever, having broken Belgian law, has taken refuge in the colony will be handed over to Belgian justice and tried accordingly.

ART. XXV. Functionaries and military men authorized to accept engagements in the colony will keep their rank and right to advancement in their former profession left temporarily.

ART. XXVI. With the exception of the flag and seal of Belgium, the Kongo colony can make use of the present Kongo flag and seal as used.

ART. XXVII. All decrees, regulations, and other acts now working in the colonies retain their force, except any which the new laws would make void.

ART. XXVIII. Any proposal or modification or addition to this present code will, at the request of the Government, be submitted to the colonial council.

The Secretary of State to Ambassador Reid.

DEPARTMENT OF STATE.
Washington, November 4, 1907.

MY DEAR MR. REID: I inclose a copy of the English text of the bill for a colonial law now under discussion by a special committee of the Belgian Parliament.^a

It seems to me that the enactment of this law would be a most unsatisfactory conclusion of the effort to redress and prevent for the future the outrages which have been committed on natives of the Kongo region under the control of the King of Belgium.

You will see that practically the only attempt at any check upon the absolute power of the King is under a colonial council, which, under the nineteenth article of the proposed law, is to be nominated by the King himself. This is mere trifling with the people who have been justly dissatisfied with the conduct of affairs in the Kongo.

I wish you would talk informally with Sir Edward Grey on this subject and ascertain whether, in case this bill becomes a law and the effort of Belgium ends there, Great Britain will accept such a result as being satisfactory performance of the trust which was committed to the International Association of the Kongo under the Berlin convention of 1885. I can not believe that he will consider that the duty of Great Britain, the performance of which she assumed by that convention, will have been discharged by an assent to such a disposal of the matter.

You may say to Sir Edward Grey that the United States * * * are, however, gradually coming to a frame of mind in which we are disposed to consider the further continuance of the conditions which have existed in the Kongo as being a violation of the spirit, if not the letter, of the Brussels convention of 1890, which, in its second article, expressly includes among its objects—

To diminish intestine wars between tribes by means of arbitration; to initiate them in agricultural labor and in the industrial arts, so as to increase their welfare; to raise them to civilization and bring about the extinction of barbarous customs. * * * To give aid and protection to commercial enterprise; to watch over their legality by especially controlling contracts for service with natives, and to prepare the way for the foundation of permanent centers of cultivation and of commercial settlements.

Faithfully yours,

ELIHU ROOT.

Minister Wilson to the Secretary of State.

No. 249.]

AMERICAN LEGATION,
Brussels, November 13, 1907.

SIR: I have the honor to report that in accordance with the constitutional provision the Belgian Parliament convened on the second Tuesday of November.

The deliberation of the Parliament during the present session will be directed to a solution of the question of the annexation of the Kongo to Belgium, and this important measure will take precedence of all others.

The proceedings of Parliament will be observed with interest and reported to the department from time to time.

I have, etc.,

HENRY LANE WILSON.

Ambassador Reid to the Secretary of State.

[Extract.]

Personal.]

AMERICAN EMBASSY,
London, November 19, 1907.

MY DEAR MR. ROOT: Your letter of November 4 was received a few days ago, and to-day I took the first opportunity since its receipt for talking unofficially with Sir Edward Grey about the Kongo business. After telling him that your letter was confidential I added that perhaps the simplest way of discharging my duty was to read it to him, and so I read it almost in full.

He at once said that the views of this country, and his own views, coincided quite fully with those which you expressed. It was clear that the proposal to which you referred could not be acceptable either in the form in which you sent it or with the various amendments which had since been proposed.

He did not believe, however, that the time had yet come for England to go beyond the expression on this subject recently made by the prime minister in his speech at the Mansion House.

Sir Edward felt quite sure, however, that the English people would not be content with anything like the disposition of the case proposed in the *projet de loi* referred to. He was extremely glad to learn that the United States took an interest in the subject and held similar views. He would not fail to communicate with me later if any change in the situation should warrant it.

I think the foregoing gives a fair idea of the spirit and purport of a conversation which was prompt, frank, and direct on Sir Edward's part and seemed to be without any reserves.

Yours, sincerely,

WHITELAW REID.

The Consul-General at Boma to the Secretary of State.

AMERICAN CONSULATE-GENERAL,
Boma, November 20, 1907.

SIR: I have the honor to inclose herewith my report upon existing conditions in the Kongo. The conclusions I have formed as a result of observations made during my recent trip are concurred in by Mr. Memminger, who accompanied me, and to whose valuable aid, rendered in many ways during a somewhat difficult journey, I am very glad to acknowledge my indebtedness.

I have, etc.,

JAS. A. SMITH.

[Inclosure.]

In the administration of the Kongo Free State the chief question has been, and is at the present time, the one of taxation. The fact that the State exacts a tax in labor, and the many abuses which have occurred, and still occur, as the result of the enforcement of this system of prestation, have given rise to a large part of the criticisms which have been directed against it. The ordinance of July 1, 1885, declared, in part, that the vacant lands were to be regarded as belonging to the State. The vacant lands were considered as all those not actually occupied or under cultivation by the natives; their proprietary rights in and over their own country were ignored, and the State, in continuation of this policy, has proceeded, under the guise of taxation, to compel the natives to contribute for its benefit, and that of a number of concessionary companies, the natural products of these lands, consisting, for the most part, in rubber, ivory, and gum copal. Briefly, the royal decree of June 3, 1906, provides that every valid and adult native is subject to an annual tax of from 6 to 24 francs, depending, as is stated, on the resources of the various regions and the degree of development of the natives. Children of 16 years of age are considered as adults, and the law is so worded as to include women. The tax is payable monthly in either products or labor, and, nominally, the number of hours of labor which the native must perform to acquit himself of his tax must not exceed forty hours each month, including transport. The law further provides, "pour faire naître chez les indigènes le goût du travail," that they shall receive a remuneration at the time of the delivery of the products, or in exchange for the number of hours of labor performed, calculated according to the value of the products or the average rate of local wage. Such, in substance, is the wording of the law, and the main purpose of my trip was to investigate the conditions which have arisen out of its application. It may be remarked here that in the lower Kongo, where money is in circulation, the tax is, as a rule, paid in cash.

For administrative purposes the Kongo Free State is divided into districts, each of which is administered by a "commissaire de district," under the direction of the governor-general at Boma, who in turn is charged with the execution of measures approved by the central government at Brussels. The various districts are divided into zones, and these again into sections and posts, and administered respectively by a "chef de zone," "chef de secteur," and "chef de poste." The latter official is the agent for the collection of taxes.

I left Boma, accompanied by Mr. Memminger, on August 1, on the steamship *Leopoldville*, reaching Matadi the same day, a run of four or five hours. Matadi is important as being the terminal port of the European steamers and the starting point of the railroad line to Leopoldville. I remained here one day, securing accommodations at the mission of the American Baptist Missionary Union. I had an interview during the day with the commissaire of the district, and learned from him that he had recently recommended to the governor-general that the tax in his district be fixed at 12 francs per year for each male of 14 years or over, payable in cash, females to be exempt. In certain parts of his district, away from the railroad, he had recommended that the tax be fixed at one-half the amount, or 6 francs per year. His recommendations had not, at the time of my visit, been approved, but I was informed upon my return that women also were to be taxed. Laborers working for the State here are paid at the rate of 6 francs per month, with rations consisting of dried fish and rice. It will be noted that the tax imposed amounts to one-sixth of the average wage, and the missionaries with whom I talked considered it excessive, especially for those living away from the railroad, where no work was to be had and no money was in circulation. Laborers in the employ of the railroad are paid, I was informed, from 10 to 15 francs per month, with rations. I questioned the missionaries whom I met at Matadi as to the general conditions among the natives in the district, and beyond the objection to the amount of tax they had no complaint to make. In the lower Kongo, of which the district of Matadi forms a part, money is in circulation, a condition of free trade exists, and the natives, so far as my observation goes, are not harshly treated and are apparently contented. In none of these respects can the same be said of the upper Kongo, at least in the regions I visited. Accompanied by the commissaire I inspected the prison for blacks. It consisted of a courtyard about 75 feet square, with a rough stone building on one side providing sleeping accommodations. The beds were wide wooden platforms raised a couple of feet from the ground. Four or five of the inmates sleep together on one of these. The prison is used for men convicted of minor offenses, the penalty for which is not more

than a year's confinement. They are chained together in pairs, and do portering work on the arrival of steamers and trains and general scavenger work in the town.

I left Matadi on the evening of August 2 for Leopoldville. The journey requires two days, a stop for the night being made at Thysville. The railroad is narrow gauge and rock ballasted for most of the distance and is well managed, with the exception of the cars being uncomfortably small and far from clean. The first-class fare is exorbitantly high, 200 francs being charged for the journey of 250 miles, or at the rate of about 16 cents a mile. The second-class cars are open, with seats running across, and are occupied, as a rule, entirely by blacks. The second-class fare is 25 francs.

The importance of Leopoldville arises from its being the terminal of the railroad from Matadi and the port of departure for the steamers leaving for the upper Kongo, and it is also, with the exception of the region around Stanley Falls, the end of the free-trade zone. Beyond this point practically the entire territory of the Kongo is exploited by the State itself or by concessionary companies in which the State holds a large and, in many cases, controlling interest. I remained at Leo until the 21st of August, visiting several of the native villages in the vicinity, making a trip to Brazzaville, on the French side of the river, and to the headquarters of the new American Congo Company, a day and a half's trip up the river. During my stay I had interviews with the leading state officials, several of the local missionaries, natives, and others familiar with the situation.

The State has in its employ at Leopoldville at the present time about 1,200 native workmen. In addition there is a detachment of about 120 native soldiers. The workmen are employed in loading and discharging cargo from the river steamers, building and repair work on the river front and on damaged steamers. Together with their wives the native force reaches an aggregate of about 2,000 souls. The workmen are impressed into service for a term of five years by military conscription for, as the law states, "the execution of works of public utility." The English vice-consul at Stanleyville, in a report to his Government, says in regard to this system:

"* * * But I am not aware of any civilized state in which conscription is applied to 'works of public utility.' The abolition of compulsory portering, canoe paddling, and the substitution of paid workmen appears to be a great relief. But these 'travailleurs salariés' are the conscripts; they are hunted in the forest by soldiers and are brought in bound by the neck, like criminals."

At Leopoldville these conscript workmen are paid by the State in cash at the rate of from 4 to 10 francs per month for their first term of five years. In addition, they receive rations, consisting for the most part in chikwangué ("kwanga"), the native bread made from the manioc root. To provide this food the State levies an impost on the natives in the surrounding region and forces them to bring it in at intervals of four, eight, or twelve days, depending upon the distance from the town. Beyond the clearing of the forest the work of planting, digging the roots, soaking, barking and retting, making into loaves, and boiling falls entirely upon the women. Even the transport is for the most part performed by them or by the children. As a remuneration the State pays at the rate of 6 centimes a kilogram in cloth or other merchandise. The tax has been fixed in this district at the maximum of 24 francs per year, so that at the above rate of 6 centimes fixed by the State each woman (and I was informed that only the women are counted in reckoning the amount each village must furnish) must supply 400 kilograms of chikwangué per year. The commission of inquiry sent out here in 1904 by the King reported as follows in reference to this tax:

"The worst feature of this imposition is its continuity. As the chikwangué can not at one time discharge his obligations extending over a long period. The imposition, even if it does not demand his entire time, loses a part of its real character as a tax and besets him, therefore, continually, through the preoccupation of these approaching deliveries which make the task lose its true character and transforms it into incessant compulsory labor."

And again:

"* * * It is none the less inadmissible that he should be obliged to travel 150 kilometers to bring to the place of delivery a tax which represents a value of about one franc and a half. This remark is equally just, even if it is granted that the compensation given to the native represents the exact value of the article furnished."

No one who visits Leopoldville and the surrounding region can do otherwise than admit the justness of these observations, and yet, beyond the fact that the State has arranged that the chikwangué from the zone farthest distant from the town can be delivered at a nearer receiving station located on the railroad line and from thence transported by rail to Leo, nothing has been done to relieve the situation. It is true that a small plantation of some 90 acres, entirely inadequate to meet the needs, has been started at N'Dolo, a few miles from Leo, which is principally given over to the cultivation of maize and sweet potatoes and manioc, but I was reliably informed that a normal crop would not suffice to feed the state employees for a month, so the improvement is more apparent than real. In my visits to the surrounding villages I did not see a woman who was not busily engaged in making kwanga for the State, from which they receive but a trifle more than half its market value at Leo. The men are subject to the *corvée*, or obligatory labor, at any time the State requires their services. The condition of their villages, the wretchedness of their miserable hovels, the entire absence of any and every thing indicating benefits derived from contact with the white man's civilization, or an improvement in economic condition as a result of an almost constant labor forced upon these poor people, could not fail to impress any impartial observer. The commissaire of this district is an intelligent and, I believe, humane man, but his efforts to ameliorate the condition of the native can result in but little as long as the system under which he is compelled to administer his district is adhered to.

With the testimony of the missionaries and the natives themselves it is not difficult to arrive at the conclusion that the law restricting the taxation in labor to forty hours per month as applied here is devoid of meaning. The evils of the system are further accentuated by the question of transport, devolving almost entirely on the women and children. One sees at Leo long caravans in which the women and children, some of the latter not more than 9 or 10 years of age, and of both sexes, arrive loaded down with heavy burdens of kwanga as a tribute to an administration which refuses to ration its employees and soldiers in cash because it can compel this form of imposition at a cost, as I have stated, but little more than half the amount it would be obliged to pay these employees if they purchased the same rations in the open market. Admitting, as a principle, that a certain tax should be imposed upon the natives, the only remedy for the conditions existing among them in this region requires the exaction of a reasonable sum yearly in cash and payable at a time most convenient to the native. The sum of 24 francs, or its equivalent, in products at a depreciated valuation and paid for in merchandise upon which the State undoubtedly makes a profit, is ridiculously out of proportion to the economic condition of the native population in this district. I learned at Brazzaville that the natives in the French Kongo, where similar conditions prevail, are taxed at the rate of 5 francs per annum, which is paid in cash. Women are not taxed, and in the remoter sections where money is scarce and labor not much in demand the amount is but 3 francs per year.

In contrast to the conditions prevailing in the surrounding region was the arrangement made by the State at Leo for the proper housing of its black laborers and soldiers. Situated on a high elevation at the back of the town, the houses well built in the native fashion, regularly lined out, and separated by wide spaces and broad streets to insure proper sanitary conditions, they are a credit to the administration. I also visited the lazaret, at some distance from the town, where patients suffering from sleeping sickness are isolated. Inclosed within a stockade are thirty or forty wretched houses in which at the time, and scattered around the inclosure, were 112 unfortunate blacks in various stages of the disease. Filth abounded everywhere, a general air of neglect pervaded the place, and I came away with the question in my mind as to what a humane and generous administration would have done to properly house and care for these doomed and suffering people. The hospital for blacks consists of a series of eight or ten decently constructed buildings on the river front below the town. It was fairly clean, and the patients are well looked after by the physician in charge, evidently a skillful man interested in his work.

I left Leo on August 21 on a small state steamer of 35 tons, the *Ville de Bruxelles*, and arrived at Irebu, a military instruction camp at the mouth of the outlet to Lake Tumba, on the 30th. The absence of any signs of life for the greater part of the distance was the most noticeable feature of the trip up the river. Occasional groups of palm trees marked the sites of former villages, the

inhabitants of which had either fled to the French side or been decimated by the ravages of sleeping sickness. The State has a number of wood posts established along the river, at which the steamers stop to take on fuel. I learned that the men employed as choppers at the posts are paid from 4.50 to 7 francs per month in cloth or other merchandise, with rations of kwanga brought in as a tax from the interior villages. I was informed by a white agent at one of these posts that chickens and goats to supply the white personnel at the post and passing steamers are also contributed by these villages. The latter form of imposition would seem to be in violation of the spirit of the decree of June 3, 1906, which declares that the native can not be obliged to furnish such a tax as "sauf le cas de nécessité" (except in case of necessity) and upon the authorization of the governor-general, but, as was remarked by my colleague, the British vice-consul at Leo, "the laws are elastic and the case of necessity ever present." The white agent, in answer to my inquiry, said his orders to exact this tax were only verbal and not official. Our steamer was regularly supplied at these posts with kwanga for the crew and goats and chickens for the whites on board. The black crew of the steamers are paid 5 to 7 francs per month, with rations. At Irebu the State has a military instruction camp. About 800 recruits are stationed here. The region around is taxed in kwanga and the riverine folk in smoked fish to supply food for the garrison. From Irebu I went to Ikoko, a mission station of the American Baptist Missionary Union on Lake Tumba, where I made arrangements to hire the small mission steamer *Henry Reed* for my trip up river. I found this not only cheaper than traveling by the state steamers, but preferable from every point of view. I was very anxious to get into the rubber-bearing districts, as I found it impossible to secure any accurate idea of the existing situation along the river.

I left Ikoko on September 4, arriving at Upoto, in the Bangala district, on September 16. During the trip up the river I stopped at Bolenge, Coquilhatville, Eala, Lulanga, and Nouvelle Anvers. Coquilhatville is the residence of the commissaire of the Equator district, Nouvelle Anvers of the Bangala district, and Bolenge and Lulanga are mission stations of American and English societies, respectively. At Eala are located the botanical gardens of the State. At all of these places I inquired particularly as to the condition of the natives, the amount of their taxes, etc. Statements as to the latter were confusing and did not correspond even among the state officials. At Bolenge I was informed that the tax in dried fish was four bunches per week per man, weighing about a pound to the bunch. The State pays at the rate of one mitako (small brass rod) per bunch, while the current value is ten to fifteen times the amount. The native fishermen complain of the difficulties of supplying the amount demanded and of the inadequacy of the remuneration. In high water, when fish are scarce, they are obliged to go a distance of 80 miles to the Ubangi River to secure them. The region around Coquilhatville supplies kwanga as a tax, and I was informed that it was brought in from villages three days' journey from the post. At Lulanga similar conditions prevail. In addition to the mission station a state post is also located here. The remuneration for the kwanga and fish is only one-tenth of its current value, and I learned on the best of authority that the soldiers stationed here sold their rations exacted by the State as a tax at a price ten times in excess of the remuneration allowed the native. The missionaries at Lulanga informed me that formerly the villages here had a population of fully 5,000 people, while at present they contained scarcely 1,200, the greater part of the population having fled to the French side to escape the onerous burdens forced upon them by the State. I visited a number of the villages in the vicinity of the mission stations. The same destitute conditions as those I had seen at Leo and other points coming up river were evident, and the statements but tedious repetitions of the same story of excessive taxation with no corresponding benefits derived. At Eala the State has, as stated, a large botanical garden placed under the able direction of a well-known botanist, who received us with the utmost courtesy. Experiments are being made here with every variety of tropical plant, both foreign and indigenous. Especial attention is being given to the various varieties of rubber vines and trees, to ascertain their relative value as producers. The State has for some time been engaged in establishing rubber plantations in the immediate proximity to its posts, the young plants being supplied from here. The director assured me that in many regions the rubber was practically exhausted, a fact which I had ample opportunity of proving later on.

I had previously decided to make my trip into the interior from Upoto, in the Bangala district. This region has not previously been visited by any consular officer, and beyond the reports of the missionaries but little was known by the outside world as to the actual situation. Besides, it is considered one of the richest rubber-producing sections in the State. We arrived here on September 16, and a few days were spent in preparation for the trip, securing carriers, etc.

Leaving Upoto on September 20, I arrived at N'gali on the following day, Friday, after a march of nine hours through the dense forest. Besides Mr. Memminger, I was accompanied by Mr. Dodds, an English missionary at Upoto, familiar with this section of the country and with the native Ngombe language. An American missionary, Mr. Metzger, who had had charge of the steamer, also accompanied me. N'gali is the center of a rubber-producing district. The State has a rubber-collecting post here, with an agent and assistant in charge, and there was also a small detachment of armed workmen commanded by a white officer. Previous to our arrival we were met by a native, who informed us that on Sunday the "rubber buying" was to take place at the post, it being the regular monthly delivery day. It seemed, therefore, as though our coming was well timed. Much to my surprise, however, the chef de poste informed me that he would not receive the rubber for several days. After questioning many of the natives in the near-by villages, who answered me that Sunday was the regular day, I concluded that the agent for some reason did not desire our presence at the "market," and I therefore announced to him my intention of remaining until it took place. Seeing that I was determined to stay, he finally said he would "buy" on Monday. I spent the intervening days in questioning the natives in the various villages near the post as to the time required each month to collect their quota of rubber and as to the treatment received from the white agent. The tax here is fixed at 3 kilograms of rubber per month, and the nominal remuneration, 43 centimes per kilogram, paid in merchandise. I was told everywhere that the rubber in the surrounding territory was exhausted, that they were obliged to go four or five days' journey before finding the vines, and that, ordinarily, it took them ten to fifteen days to fill their baskets after reaching the place—in other words, twenty to twenty-five days each month spent in the forest to fulfill the obligation forced upon them by the State. While I was not inclined to be overcredulous in regard to these statements, the practical unanimity of the assertions as to the matter, both here and later at the villages farther on, convinced me of their truth. On Monday I was present at the delivery of the rubber. About 250 to 300 natives came to the post with their baskets. I had the day before asked to be allowed to weigh one of them filled with rubber, but was informed by the white agent that the scales had been sent to a distant village in his district, where rubber was also received. I was not able to dispute this, but on Monday morning, when the rubber was brought in, strange to say they were ready. The baskets vary in size, but the native is supposed to fill it. As to the amount in weight of rubber it contains he has not the shadow of an idea. He is only certain that if his basket does not contain the quantity demanded punishment will follow. As each man's name was called he came forward, hung his basket on the scales, the amount was called out by the agent and duly noted in a book by his assistant, and the native received his remuneration. This, if his basket was full, was a cheap machete and two or three small squares of salt weighing as many ounces, perhaps; if not, he was promptly seized by one of the armed workmen and marched off to prison and forced labor, to complete his tax by cutting up rubber for drying. Although a variety of articles were scattered about on the porch where the delivery took place, such as pieces of cloth, cheap leather belts, enameled-iron plates, small mirrors, cheap spoons, etc., the native apparently had no choice, the agent dictating each time the article to be given. The principal aim of each one seemed to be to have his rubber weighed and get out of sight as fast as possible. If his rubber was short, he received nothing but a small slip of paper upon which was written in a language he could not read or understand the amount brought in. In some cases for a particularly large basket two machetes were given with the salt; occasionally a cheap leather belt, but this was seldom. I stood for a time directly behind the scales, where I could watch closely the weighing and noted that the amounts as called out were not correct. Upon my calling the attention of the assistant to this he informed me that the scales were out of order and actually registered $1\frac{1}{2}$ kilograms more than the correct weight. Even admitting that he told the truth, the natives were being unmercifully cheated, as I distinctly saw baskets weighing $6\frac{1}{2}$ and 7 kilograms called out as 4 and 5. Many

times baskets over 5 were called as 3. I remained a couple of hours watching this illuminating spectacle, during which time twenty or twenty-five men had already been marched away to prison for being short. One man who had obtained his full quota was seized because the quality was not acceptable to the white agent. The natives claimed that they were obliged to accept remuneration in machetes or salt, that when they demanded cloth or other articles they were given a slip of paper showing they had brought in their full quota, and the following month, if they also delivered their full tax, they were given the article desired. I did not see anyone flogged for being short, although such is said to be a common practice. Two men were brought to me in one of the villages who claimed they had been clubbed by the white assistant at the post for failure to furnish their full tax. One of these men was evidently in bad condition and unable to stand upright. I had no means for proving these statements beyond the testimony of a number of other natives of the village, and they were denied by the chef de poste. It was reported to me by the natives that 11 men who had been imprisoned at the post for failure to bring in their tax had, in March last, escaped, been followed into the forest by the armed workmen, and clubbed to death. This matter had been reported by the missionaries at Upoto, and an investigation had been made by the procureur d'État (state's attorney) a few days previous to my arrival at N'gali. The chef de poste, in reply to my questions regarding the matter, said that he had been at Nouvelle Anvers at the time, but had heard of only seven men, four of whom had died a natural death. I saw the procureur at Dobo a couple of weeks later and asked him what the result of his investigation had been. His reply was that he had ascertained that three escaping prisoners had been caught and clubbed and "afterwards died." I was not particularly interested in the actual number—in fact, this was not important, the main point being to know if similar acts were possible. After the statement of the procureur there can be no question as to the fact that they are. The prison house on the post contained two rooms, each about 12 feet square, with dirt floors and no windows, and two small, dark closets, 7 by 3, the latter for women who are employed on the post and who, as I was informed by the agent, had been guilty of insubordination, they being under military discipline as well as the armed workmen. At the rate the men were being sent to forced labor when I left, the two rooms would have had a hundred occupants by night. Without light or ventilation of any sort, their situation may be imagined.

A five and one-half hours' walk from N'gali brought us to Mopolanga, where the State has a travelers' rest house. There are a number of native villages here, and we listened to the same complaints as regards the rubber tax as at N'gali. There was no white agent here, the natives carrying the monthly contributions to Bayenge, a state post farther on, where we arrived late the following afternoon, having been delayed by a severe storm. The State has had some difficulty with the natives here, and the post is surrounded by a high stockade. Mr. Dodds informed me, however, that matters had improved since his visit to the post in May last. About 700 men are on the tax rolls as rubber gatherers, and the agent informed me that it was rare they did not bring in their full quota. If not, imprisonment and forced labor was the penalty. The tax is the same as at N'gali, 3 kilograms per month. The natives are remunerated here, as a rule, in "mitakos," viz, small brass rods about 8 or 9 inches long, and with a nominal valuation here of ten to the franc (10 centimes each). The gauge and length, as well as the value, of these rods varies in different parts of the Kongo, and I found, in buying wood for the steamer above Coquilhatville, that the rods I had brought from Ikoko had no exchange value, although below they were accepted at twenty to the franc. The agent at Bayenge has a small "magasin," with a variety of merchandise similar to that at N'gali, and accepts from the natives these rods in payment for such articles as they desire, at valuations, however, fixed by the State and in most cases excessive. About 50 native workmen, 25 of whom were armed with guns, are employed on the post and in clearing the forest near by for planting rubber trees. A number of women, wives of the workmen, are also employed. They receive no remuneration outside the daily rations of kwanga. The whole force is under military discipline, and is fed on rations of kwanga supplied by the women of the villages in the surrounding country as a tax. The workmen are paid from 3 to 5 francs per month, with rations.

We were delayed several days at Bayenge. Our intention was to proceed to the state post at Yambata, eight or nine hours' march distant, but we were informed by the chef de poste that the natives in that region, a numerous people belonging to the Budja tribe, were on the eve of revolt, and that it would be

unsafe for us to go unless accompanied by an armed escort. A state officer in this region never ventures outside his post unless accompanied by armed men. This was not, however, a part of our programme, as we wished to be free to travel as we pleased, and, in particular, to prove that it was possible for a white man who was not connected with the State to travel without such escort. We thereupon decided to go on unaccompanied, but some of our carriers, becoming frightened, deserted, and the rest refused to go. A courier arriving from Yambata with the report that the road was far from safe and offering to send a detachment of soldiers to meet us halfway, finally decided us to accept, and we left Bayenge with an armed escort, were met by a company of 30 soldiers commanded by a white officer, and reached the post at Yambata without incident.

The region around the post at Yambata is rather densely populated and is inhabited by a race of natives known as Budjas. These people have never been brought entirely under subjection by the State, and I was informed by one of the officials at the post that indications pointed to a revolt at no distant day. A force of about 80 soldiers belonging to the regular army is stationed at the post. The tax rolls showed 1,500 men subject to the impost in rubber, which is 3 kilograms per month per man. Remuneration is 43 centimes per kilogram, paid in machetes. The women of the villages are taxed in kwanga to supply the personnel at the post. The day after our arrival I expressed a wish to visit some of the villages, and we started out, accompanied by the chef de secteur and a small force of soldiers. Arriving at the first village we found that the entire population—men, women, and children—had taken to the bush. Not a living soul was to be found. Upon looking into their huts I found the embers of their fires still aglow, showing that they had been gone but a few minutes, evidently fleeing at the news of our approach. The incident was an eloquent commentary upon the result of long years of cruel oppression forced upon the people by a government founded ostensibly for humanitarian and civilizing purposes. We passed on, and the same thing occurred in several of the villages until finally we met a native who had just emerged from the forest and was evidently unaware of our coming. He was sent in advance by the chef de secteur to tell the people that we had only come to "see." Their fears thus allayed, we found in the villages farther on that the people had remained. Here, as at all the villages I had visited since leaving Upoto, there is no visible sign that the people possess anything at all beyond their squalid and filthy hovels and a small patch of ground near by planted with manioc for the common use and to furnish kwanga for the post—occasionally a few fowls or goats. The women are entirely naked and the men wear simply a loin cloth, made usually of the thin bark of some tree and rendered pliable by pounding.

At Yambata the opportunity for which I had been seeking—namely, to prove by a practical test the assertions of the natives as to the time necessary to gather 3 kilograms of rubber—presented itself. It was claimed by all the state agents whom I had questioned upon the subject that the tax was not excessive, it being easily possible to gather the amount of the impost within the forty hours monthly prescribed by the law as the maximum of time the native must labor to fulfill his obligations to the State. It was contended that the native idled his time away in the forest in the search of game; that, in substance, he did not apply himself to his task. The chef de secteur at Yambata was apparently so certain of this that I requested permission to take a number of natives into the forest, set them at work gathering rubber for a given time, and thus prove to my own satisfaction whether their complaints were or were not reasonable and just. The chef de secteur willingly consented, apparently confident, from the State's standpoint, of the successful result. Accordingly five natives were chosen from one of the villages and placed in charge of one of the state capitas. It was arranged that these five men should work for four hours each, or a total of twenty hours' work, in which time, to correspond to the tax imposed and the maximum of forty hours, they were supposed to produce 1½ kilograms (1,500 grams) of rubber. The place selected for carrying out this experiment was at one hour's march through the forest from the post, and was chosen by the chef de secteur as being especially rich in rubber vines. The men also were of his own choosing. I had nothing to do with this part of it. Arriving on the spot two of the men were put at work under the surveillance of Mr. Memminger and Mr. Dodds, the other three under the chef de secteur and myself. All the men had been promised an adequate remuneration and exemption from their taxes for the following month by the chef de secteur as an incentive, and certainly not a slight one, to do their best. I can

testify to the fact that these men did not lose a minute from the time we commenced work until the expiration of the four hours. The vines were numerous and but little time was taken up in the search for another when one had been exhausted. The rubber was delivered to me and carefully weighed upon my return to the post, with the following result:

	Grams.
Total weight -----	650
2 men gathered each 200 grams, or -----	400
The other 3 -----	250

An analysis of the result works out as follows:

	Grams.
20 hours' labor should have produced -----	1,500
20 hours' labor actually produced -----	650

Or 43 per cent of the tax imposed. To gather the quantity required, these men would have been obliged to work an average of ninety-three hours each per month, or eleven days five hours at eight hours per day, one hundred and forty days each year.

INDIVIDUALLY.

	Grams.
4 hours' labor should have produced -----	300
2 men actually produced in this time, each -----	200

Or 66 $\frac{2}{3}$ per cent of the tax imposed. To gather the quantity required, these men would be obliged to work an average of sixty hours each per month, or seven and one-half days, ninety days each year.

AGAIN.

	Grams.
4 hours' labor should have produced -----	300
3 men actually produced in this time an average of only -----	83 $\frac{1}{3}$

Or about 28 per cent of tax. To gather the quantity required, these men would be obliged to work an average of one hundred and forty-four hours each month, or eighteen days, two hundred and sixteen days each year.

In considering the above, it must further be borne in mind that the time necessarily occupied in reaching the locality and returning is not calculated. This would, of course, relatively reduce the amount gathered within the given time and increase the average time necessary to produce the quota demanded by the state. It must also be remembered that the element of chance enters largely into the question. The two men who secured 200 grams each were fortunate in finding large vines immediately after entering the forest; the other three were not, and although they worked fully as hard only succeeded in securing 83 $\frac{1}{3}$ grams each. If, to be perfectly fair, we accept the average time employed by the five men as a basis and add thereto eight days each month for the time necessary to reach the place and return (eight days is not excessive as an average of the time thus employed), we find that these men must labor nineteen days and five hours each month, or practically two hundred and thirty-six days each year. During the month, if they produce 3 kilograms of rubber it is worth, according to the latest market value at Antwerp, 12.50 francs per kilogram, or 37.50 francs. They receive for this a machete, upon which the state places a valuation of 1.10 francs, and a small handful of salt. I purchased at Leopoldville from an English trader two of the same machetes for 50 centimes each. Is it to be wondered at, therefore, that these people possess nothing; that they stand either in abject fear of the state, which forces upon them these burdens and gives them nothing in return, or that they sometimes rise in open rebellion against a condition of things from which they see no hope of release? Nor are the conditions in the region through which I passed exceptional. It is, as I have already stated, said to be unusually rich in rubber. I learn upon the authority of my colleague, the English vice-consul at Leopoldville, who has just returned from a tour of investigation in the Lake Leopold district, that the natives in that section, a mild and submissive people, travel 150 miles from their villages to find the rubber; that the supply is being rapidly exhausted, and it is only with increasing difficulty that they can supply their monthly contribution, which is fixed at 1,200 grams. His report was con-

firmed by identical statements by a missionary at Bolobo, who has also just been through the same region and who I saw on my return down river.

Of atrocities or mutilations I did not see any, nor did I expect to. In this respect, undoubtedly, some improvement has taken place. The exposure of the evils of the sentry system, in which armed native sentries were placed in the villages to force the people to bring in their impositions at the point of a gun, has compelled the state to abandon it. It is replaced by the so-called "messenger," or capita, usually a trustworthy native who acts as intermediary between the white officer at the post and the chief of the village. He exercises a general supervision over the rubber gatherers in the village, sees that they leave for the forest on a certain day each month to collect their impost, and reports to his employer any disaffection or other matters of importance occurring. He delivers delinquent taxpayers to the white man at the post, and I saw at Yambata two natives who had failed to appear with their rubber on delivery day brought in bound together by the neck with ropes. The destitute condition of the natives and the absence of all signs of improvement in the country through which I had passed is but too apparent. The roads are usually but native paths cut through the forest; the bridges, where there were any, made of rough sticks and usually in a rotten and decaying condition. For hours each day we were on the march we waded through water and mud above our knees. It costs money to build roads. The time of the native is more valuable as a rubber collector than as a builder of highways. Beyond the two "colonies scolaires" (educational colonies), one at Boma and the other at Nouvelle Anvers, the inmates of which are children brought under the tutelage of the state through the operations of the law regarding orphans and abandoned children, and who, after an elementary instruction, are drafted into the army as subordinate officers or assigned as clerks in the administrative bureaus, the religious and educational development of the native is left entirely in the hands of the missionaries. One looks in vain for a school or other industrial or agricultural institution where the rising generation might receive such instruction as would tend to raise it from its present savage state. The state points with pride to the fact that it has suppressed the former Arab slave trade, and yet I am informed that the native races formerly under Arab influence are the most advanced in civilization of any throughout the entire Kongo territory. Every state officer with whom I talked admitted that cannibalism had not been entirely wiped out, although it is undoubtedly true that the state has taken energetic measures to suppress it and punishes severely those found guilty of the practice. The state claims that the native will not work voluntarily; that he must be forced to do so. The assertion is only partially true. Admitting that the problem is a somewhat difficult one—and it has been made more so, I believe, by the treatment given the native—it is at the same time legitimate to ask if he can be expected to give the greater part of his time to the service of the state, from which he receives no real benefit. The phrase in the law already alluded to, referring to the remuneration rendered "*pour faire naître chez les indigènes le goût du travail*," is but the baldest hypocrisy. I have been assured over and over again by people with long experience in the Kongo that if the native is properly paid, if he sees something he wants, he will work willingly and well to acquire it. My colleague at Leopoldville has told me that on his recent trip he was literally besieged by applications for employment as carriers by the natives in the region through which he passed. They came from long distances seeking work because the reports had gone abroad of his presence and that he paid well for services rendered.

If we admit that a tax in labor is justifiable, the law restricting such to forty hours per month might appear reasonable, but in practice it is not adhered to, nor, in my opinion, is it possible in most instances to do so. It is obviously ridiculous to assume that a kilogram of fish represents either ten or one hundred hours' labor. It may be less than one or more than the other, depending upon conditions. The same holds true as regards the rubber imposition, where, as has been shown, chance enters so largely into the question. Furthermore, the terms of the law regarding taxation providing a monetary basis will not bear careful analysis without revealing their fallacy, because the native, as a rule, has no money, and the price of the products assessed to represent such basis is arbitrarily fixed by the State, and at a figure greatly inferior to their real value. Under such a system, therefore, it makes no difference whether the tax is placed at 1 or 100 francs, it being possible for the State to fix the value of the product at 1 centime or 1 franc per kilogram and compel the native to furnish 100 kilograms in either case.

The above conclusions, which I have reached as the result of my observations, are, I believe, logical and just. That the obligations of the Kongo Government toward the natives, as provided for in the Berlin act, "to care for the improvement of the conditions of their moral and material well-being" are being openly violated there is not the shadow of a doubt. The present conditions are those existing under the operations of the so-called reform decrees, promulgated as a result of the report of the King's commission of inquiry of 1904. If they are an improvement over former conditions it is natural to ask what those former conditions must have been. The remark of a state official, made in my presence, "My business is rubber," tersely expresses the attitude of the entire administration toward the native. The latter, so long as the present system is allowed to continue, can expect nothing from an administration whose desire for gain overshadows everything else and causes it to forget the obligations it has assumed toward him. Briefly, the tendency of this system is to brutalize rather than civilize—to force the native into such a condition of poverty and degradation that his future is a hopeless one, and to keep him there.

I find it impossible to reconcile the clauses in the Berlin act, by which the granting of a monopoly or favor of any kind in matters of trade was prohibited and free trade proclaimed in the Kongo basin, with the commercial conditions existing under the present régime. In excluding the native from any proprietary right in the only commodities he possessed which would serve as a trade medium—that is, the products of the soil—and in claiming for itself and granting to a few concessionary companies in which it holds an interest exclusive ownership of these products, the administration, in its commercial capacity, has effectively shut the door to free trade and created a vast monopoly in all articles the freedom of buying and selling which alone could form a proper basis for legitimate trade transactions between the native and independent purchasers. Competition, by which alone can a healthy condition of trade be maintained, has been entirely eliminated. The Government is but one tremendous commercial organization; its administrative machinery is worked to bar out all outside trade and to absolutely control for its own benefit and the concessionary companies the natural resources of the country. Its operations as a commercial company are subject to no parliamentary control; its profits are unknown to anyone except the central administration at Brussels. Business organizations are not often guided by philanthropic motives in the conduct of their affairs. The policy of the administration, therefore, is to extract the riches of the country at the lowest possible cost, and with the result that the profits accruing therefrom go to swell the dividends of the Europeans interested, and neither the country nor its inhabitants receive any corresponding benefit. The conditions in the regions which have come under my observation all go to prove this.

I left Yambata on October 2, arrived at Dobo, on the river, the following day, reached Upoto on the 5th, and left there for Leo on the 8th, arriving the 17th. Mr. Memminger returned to Boma the following day. It was my intention to prolong my journey for another month or six weeks by making a trip alone into the Kasai district, but I found I could not leave Leo for another two weeks, and would require a much longer time to properly investigate conditions in that region. Leaving Leo on the 24th, I spent four days at the A. B. M. U. mission at Nsona Mbata, between Leo and Thysville, where I had been requested to investigate some matters concerning the treatment of orphans and abandoned children. The subject will be reported on at some later date, when I have had more opportunity to study the question. I arrived at Boma the evening of October 30.

JAS. A. SMITH,
Consul-General.

BOMA, November 20, 1907.

The Consul-General at Boma to the Secretary of State.

AMERICAN CONSULATE-GENERAL,
Boma, November 23, 1907.

SIR: I have the honor to inclose herewith a report by Vice-Consul-General Memminger in reference to conditions in the Kongo. The report is forwarded without comment other than to say that the

opinions expressed therein are in conformity with my own, and based upon personal observation during our recent trip to the upper Kongo.

I have, etc.,

JAS. A. SMITH.

[Inclosure.]

Having been authorized to accompany you on a trip to the upper Kongo, and thus having had the opportunity to observe conditions in a large part of the Kongo Free State, I have the honor to say that I concur in the conclusions reached by you in your report to the Department of State on "Conditions in the Kongo Free State."

My observations convinced me that the system of taxation in labor in the Kongo Free State is not imposed in an equitable manner, and through the exercise of compulsion results in grave abuses. I am convinced, moreover, from the conditions in the part of the country which we visited, that the natives of the Kongo are not deriving from the Government which they are forced to support any measure of the benefits to which they are entitled. In return for the imposts of labor and products levied upon them they receive, so far as I have been able to observe, in no sense a commensurate remuneration, nor does the payment of this tax gain for them compensating advantages, or serve to better the economic condition of the people. One is forced to conclude that the Government is not administered in the interest of the native population. The system in effect rather operates to their oppression.

In some localities the State has constructed public works, and throughout the country has improved communications, thereby rendering the country more habitable for white men, of whom by far the largest percentage are state officers. But in the benefits of these improvements, necessary for carrying on the state's business as a commercial organization, the natives do not share to an appreciable extent. Where state posts are established, in fact, an additional burden is imposed upon them. They are compelled to supply the state agents and employees with prestations of food. Invariably, near the state posts, I found the neighboring villages to be in a destitute condition. The material well-being of the native population seemed in no wise improved by the proximity of the people to the government stations. At Leopoldville, the principal commercial town of the upper Kongo, I saw in the surrounding country only a few small villages, the inhabitants of which seemed to be in a desperately poor condition. I was informed that this region previous to state occupancy was thickly populated by a people not unfriendly to the white man and who, according to the native standard, were in a highly prosperous condition.

I saw no evidence of effort on the part of the State to assist the population in the improvement of native industries by practical education, or by the application of improved methods and implements—this in spite of the fact that by development of the native along these lines it is admitted his capacity for working the resources of the country from which the Government derives its revenue would be increased; at the same time that there would be no relative increase of the amount of labor exacted as a tax. Instead, it would diminish the burden.

In general, the condition of the people in the upper Kongo seemed unhappy and led to the conclusion that the system of government under which the natives must live does not promote their welfare. In its operation the system seems to be one in which considerations of humanity and benevolence are least important.

LUCIEN MEMMINGER,
Vice-Consul-General.

BOMA, November 23, 1907.

Ambassador Reid to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
London, December 5, 1907.

Referring to your confidential instructions concerning the Kongo, of November 4, 1907, and to my statement of a conversation with Sir

Edward Grey on the subject November 19, I have to report that Sir Edward Grey to-day showed me a copy of an instruction he is just sending to Sir A. Hardinge, the British minister in Belgium. It repeated the view that a public utterance at the present moment as to the terms on which the annexation of the Kongo State by Belgium would be recognized might prevent a discussion of this question in the Belgian Parliament on its merits. This objection, however, does not, in his opinion, apply to a private representation. It approves the suggestion by Sir A. Hardinge that he and his American colleague, Mr. Wilson, might advantageously give a private hint as to the attitude which our two Governments might in certain contingencies be compelled to adopt, and concludes as follows:

I request, therefore, that you will concert with Mr. Wilson with a view to acting as you suggest on a favorable opportunity. You might point out that great anxiety has been shown in both countries to see the administration of the Kongo State complying with the spirit of the Berlin act and effecting serious and immediate reforms; that the two Governments, notwithstanding the pressure brought to bear upon them at home, have refrained hitherto from taking any steps which might be embarrassing to the Belgian Government in a critical period of transition, but that they attach the greatest possible importance to the question.

I said to Sir Edward Grey that you should be advised at once of this letter, and that, if you approved its policy, you would doubtless instruct Mr. Wilson to inform Sir A. Hardinge and act in concert.

REID.

The Acting Secretary of State to Minister Wilson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 6, 1907.

Ambassador Reid telegraphs substance of a conversation he has had with British minister for foreign affairs in which he indicated the disposition of the British Government to make some informal representations regarding Kongo affairs and intimated that British minister to Belgium might concert with you on the subject.

You will be instructed later—probably Monday—as to your course, and if in the meantime the British minister should approach you you will advise the department of such suggestions as he may make.

BACON.

Minister Wilson to the Secretary of State.

[Telegram.—Extract.]

AMERICAN LEGATION,
Brussels, December 7, 1907.

The British minister informed me on the 4th that his Government, in referring to conversation with our ambassador to Great Britain, instructed him that their present attitude was one of expectancy and that they deemed the time inopportune for any concerted action. The treaty of annexation has just been signed by the respective plenipo-

tentiaries and has passed into legislative discussion, with fair prospects of a satisfactory issue. Will await further instructions before acting.

WILSON.

Minister Wilson to the Secretary of State.

No. 261.]

AMERICAN LEGATION,
Brussels, December 7, 1907.

SIR: I have the honor to report that the treaty signed on November 28 by the representatives of the Government of Belgium and, on the other hand, by the representatives of the Independent State of the Kongo was on December 3 laid before the Belgian House of Representatives, and was immediately referred by it to the special committee of seventeen, with instructions to examine the same in connection with the colonial law which this committee is now framing for submission to Parliament.

I inclose herewith three copies of a pamphlet containing the "Exposé des Motifs" of the ministry, and the treaty with the project of law for its adoption, and the provisional arrangement.

I also inclose an English translation of the three latter documents, and am outlining in what follows the substance of the "Exposé des Motifs."

The minister opens his "Exposé des Motifs" by reference to the previous movements for the annexation of the Kongo to Belgium; gives the history in detail of the various projects for annexation, and the apparently insurmountable difficulties which had prevented a solution of the problem, placed before a democratic State like Belgium, of exercising a beneficent sovereignty over vast, undeveloped territories and millions of uncivilized people, in a manner which would meet the approval of international and domestic opinion.

The minister then goes on to say that however truthful these views may have been in the past, they are not applicable to the present situation; that Belgium is now fully equal to the task of governing the Kongo in such manner as will redound to the welfare of the native population, the development of the country, the prosperity of Belgium, and the approval of international opinion.

He then recalls and quotes at length from the report of the commission of inquiry appointed by the King in 1905 to investigate the conditions in the Kongo.

This report has been made the subject of former dispatches from this legation, and is doubtless in the possession of the department.

The minister states that the Government of the Kongo acted promptly upon the recommendations of the commission of inquiry, and gives specific instances of the reforms which had been carried out.

Attention is then called to the very interesting and remarkable report of the special representatives of Belgium who were designated to study all questions relating to the transfer of the Kongo sovereignty to Belgium.

This report deals with the economic, financial, and international situation, and also with the question of Crown Domain, or, as it is called, Foundations.

In the study made of the economic situation an examination is made of its real and personal assets. It finds that 170,000,000 francs (\$34,000,000) have been invested in the country, and that the general trade in 1906 amounted to 106,483,058 francs (\$21,290,000), of which 67,781,358 francs (\$13,500,000) were exports and 29,700,700 francs (\$5,900,000) were imports. Special trade amounted to 79,755,000 francs (\$15,900,000), of which 58,278,000 francs (\$11,600,000) were exports and 21,477,000 francs (\$4,300,000) were imports.

The report then gives a summary of the organization and working of railway companies and of the proprietary corporations (Compagnie Bruxelloise pour le Commerce du Haut Kongo, Compagnie du Katanga, Société d'Agriculture et de Plantations au Congo, Compagnie Anversoise de Plantations du Lubefu, and American Congo Company) and the concessionary societies (Compagnie du Kasai, Compagnie du Katanga, Abir, Société Anversoise, Société d'Agriculture et de Plantations, Comptoir Commercial Congolais, Compagnie du Haut Congo, Société Equatoriale Congolaise, American Congo Company, Société Forestière et Minière, Union Minière du Haut Katanga, the Great Lakes Railway, the Railway from the Lower Congo to the Katanga, the Whitely Concession, and the Forkel Concession).

This part of the report is supposed to be a complete exposition of the workings of the economic organization.

Another part of the report deals with the international questions of boundaries and neutrality and the modifications of the fiscal system growing out of various treaties.

The assets of the Kongo State are found to be 120,000,000 francs (\$24,000,000) and its liabilities 114,000,000 francs (\$22,800,000).

The annual revenue resulting from proprietary concessions, bonds, stocks, etc., exceeds the liabilities, interest, and redemption charges by about 500,000 francs (\$100,000).

The report sets forth that the Crown Domain, in common with the other territories subject to the sovereignty of the Independent State and to its laws, should, after annexation, be made subject to the sovereignty of Belgium and its laws.

The arrangements made in December, 1906, between the Kongo State and the Crown Domain will insure to Belgium—in the event of annexation—property valued at 29,000,000 francs (\$5,800,000), which, however, will carry with it the obligation of providing for the erection of hospitals, schools, and churches, and carrying on hygienic and philanthropic works.

The treaty is accompanied by numerous annexes containing an inventory of the assets, liabilities, and engagements of the Kongo State. These have not yet been printed, as time is required for their examination and verification. They will eventually be transmitted to the department.

I have, etc.,

HENRY LANE WILSON.

[Inclosure.]

Translation of treaty.

The sovereign king of the Kongo having made known, by his letter of August 5, 1889, to the minister of finance of Belgium that if it were satisfactory to Belgium to conclude before the time fixed more close ties with his

possessions in the Kongo, His Majesty would not hesitate to place them at its disposal; and the two high contracting parties being found in agreement, .

The following treaty has been concluded between the State of Belgium, represented by Mr. Julian Davignon, minister for foreign affairs; Mr. Jules de Trooz, minister of interior; Mr. Jules Renkin, minister of justice; Mr. Julien Liebaert, minister of finance; Baron Descamps, minister of sciences and art; Mr. Armand Hubert, minister of industry and labor; Mr. Auguste Delbeke, minister of public works; Mr. George Helleputte, minister of railways, posts, and telegraphs, temporarily charged with the portfolio of agriculture; and Lieutenant-General Hollebaut, minister of war, acting under reserve of legislative approval,

And the Independent State of the Kongo, represented by Chevalier de Cuvelier, secretary-general of the department for foreign affairs; Mr. Hubert Droogmans, secretary-general of the department of finance; and Mr. Charles Liebrechts, secretary-general of the department of interior.

ARTICLE I.

His Majesty King Leopold II, sovereign of the Independent State, hereby cedes to Belgium the sovereignty of the territories composing the Independent Kongo State, together with all the rights and obligations appertaining thereto. The Belgian State hereby accepts this cession, takes over and accepts the obligations of the Independent State as set forth in Schedule A, and undertakes to respect the existing interests in the Kongo, together with the legally acquired rights of third parties, native and nonnative.

ARTICLE II.

The cession comprises all real and personal estate of the Independent Kongo State, and particularly:

1. The properties and all the lands belonging to its public and private domain, with reservation of the dispositions and obligations indicated in Schedule A of the present convention.

2. All the shares and bonds and founder or interest shares mentioned in Schedule B.

3. All the buildings, constructions, installations, plantations, and appropriations whatsoever, established or acquired in Africa and in Belgium by the Government of the Independent Kongo State, personal goods of all kinds, and the cattle it possesses there, together with its pontoons and boats with their fittings and its military material, as described in Schedule B, Sections II and IV.

4. The forests, rubber, and other African products which are the property of the Independent Kongo State, as well as the provisions and other merchandise belonging to it, as described in Schedule B (I and III).

ARTICLE III.

On the other hand, the cession includes all the liabilities and all the financial engagements of the Independent State, as set out in Schedule C.

ARTICLE IV.

The date upon which Belgium will begin to exercise her right of sovereignty over the territories mentioned in the first article will be determined by royal decree. The revenue obtained and the expenses incurred by the Independent State from January 1, 1908, will be taken over by Belgium.

In witness whereof the plenipotentiaries have signed the present agreement and have affixed thereto their seals.

Done in duplicate at Brussels this 28th day of November, 1907.

[Signed by all the ministers of Belgium and the secretaries-general of the Independent State of the Kongo.]

The Secretary of State to Minister Wilson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 16, 1907.

The telegram from Ambassador Reid on which cabled instructions were based was as follows:

[Here follows text of telegram from London, December 5, 1907.]

Our attitude and sentiment rest on the broad general purpose to elevate and benefit the native Africans as declared in the Berlin act, to which we are, however, not a party, and emphatically reaffirmed in the Brussels act of 1890, applicable to all dominion and control of civilized nations in Central Africa, to which we are a party. Our voice and sympathy are in favor of the full accomplishment of those declared purposes, and, while we are not directly interested in the administrative and financial details of the government of any one of the several districts of Central Africa embraced in the compact of 1890, we are free, and indeed morally constrained, to express our trust and hope that every successive step taken by the active signatories will inure to the well-being of the native races and execute the transcendent obligations of the Brussels act, in all its humanitarian prescription, especially as to article 2. In these regards the interests of all the signatories are identical. You will impress these considerations on your British colleague and in your discretion to any other of your colleagues who may consult you on the subject.

Root.

[To be continued in Foreign Relations, 1908.]

LIBERIA.

FRONTIER AGREEMENT BETWEEN FRANCE AND LIBERIA.

File No. 3532/19-20.

Ambassador White to the Secretary of State.

No. 90.]

AMERICAN EMBASSY,
Paris, October 4, 1907.

SIR: With reference to my dispatch No. 84, of the 27th ultimo, I had the honor of cabling you on the 20th of September that the frontier agreement between France and Liberia had been signed, and that I expected to be shortly in a position to send you a copy of that document, which, thanks to M. Pichon's courtesy, I transmit herewith, and also a translation of the same.

I have, etc.,

HENRY WHITE.

[Inclosure.—Translation.]

FRANCO-LIBERIAN AGREEMENT.

Minister of foreign affairs.

The Government of the French Republic and the Government of the Republic of Liberia being desirous of fixing definitively the limits of French West Africa and of Liberia, but recognizing that the clauses of the accord of December 8, 1892, concluded to this end are materially impossible of application, have decided, by common accord, not to have recourse to theoretic lines for the establishment of the frontier, but to utilize to the greatest possible extent the natural topographical lines most appropriate to prevent all possible contestations in the future and to assure an effective domination on both sides, and have to this effect designated as their plenipotentiaries to conclude an arrangement—

The Government of the French Republic:

M. Gustave Binger, director at the ministry of the colonies.

M. Soulange-Bodin, minister plenipotentiary, under director at the ministry of foreign affairs.

The Government of the Republic of Liberia:

M. Frederic E. R. Johnson, minister of foreign affairs.

M. J. P. Crommelin, chargé d'affaires of the Republic of Liberia at Paris.

The Franco-Liberian frontier would be constituted by:

1. The left bank of the river Makona, from the entry of this river into Sierra-Leone to a point to be determined about 5 kilometers south of Bofosso.

2. A line starting from this last-named point, proceeding southeastward, leaving to the north the following villages: Koutoumai, Kissi-Koutoumai, Soundebou, N'Zapa, N'Zébéla, Koïama, Banguédou, and rejoining a source of the river Nuon or one of its tributaries to be determined on the spot at a maximum of 10 kilometers to the south and in the vicinity of Lola. In this section of the frontier the line to be drawn should avoid separating the villages of a tribe, under tribe (sous-tribu) or grouping, and utilize as much as possible the natural topographical lines, such as the course of brooks and rivers.

3. The right bank of the river Nuon as far as its confluence with the Cavally.

4. The right bank of the Cavally as far as the sea.

In case the river Nuon should not be a tributary of the Cavally, the right bank of the Nuon would form the boundary line only as far as the surroundings of Toulepleu; at and to the south of the suburbs of this village the boundary line would be drawn between the Nuon and the Cavally in the general direction of the parallel of this point, but so as not to separate the villages of the same tribe, subtribe, or grouping, and to utilize the natural topographical lines from the intersection of this parallel with the river Cavally, the boundary line would be constituted by the right bank of the river Cavally as far as the sea.

ARTICLE 2.

In order to keep up an efficacious police along the frontier, the Liberian Government will assume the obligation of establishing a certain number of posts, which the French authorities will have the faculty of occupying should the resources of the Liberian Government not allow them to maintain a garrison itself at that moment. The number and the position of these posts will be determined on the spot by common accord at the moment of the fixing of the boundary; the force of each will not exceed 40 to 50 men.

It is understood that the Liberian Government will give the French authorities notice two months in advance of its intention to occupy the post or posts above referred to and that the post or posts will be handed over within five days following the arrival of the Liberian police forces.

ARTICLE 3.

Navigation on the waterways forming the frontier shall be free and open to traffic, both to French citizens and to Liberian subjects and citizens.

France will have the right to undertake, at its own expense, in the course or on either bank of the rivers in question, works which might be necessary to render them navigable or improve their navigability, it being always understood that this fact will in no way effect the right of sovereignty belonging to the Republic of Liberia on the bank which it occupies. In case the works executed should give rise to the establishment of taxes, these would be determined by a new arrangement between the two governments.

ARTICLE 4.

The clauses of the arrangement of December 8, 1892, are maintained in all the provisions that are not contrary to the present arrangement.

ARTICLE 5.

The ratifications will be exchanged before March 1, 1908.

The operation of fixing the boundary will be proceeded with within three months following the exchange in question.

In testimony whereof the undersigned, duly authorized to this effect, have concluded the present arrangement, to which they have affixed their seals.

Done at Paris in duplicate the 18th of September, 1907.

[L. s.] (Signed)	G. BINGER.
[L. s.] (Signed)	A. SOULANGE-BODIN.
[L. s.] (Signed)	T. E. R. JOHNSON.
[L. s.] (Signed)	J. P. CROMMELIN.

PRESIDENTIAL ELECTION IN LIBERIA.

File No. 4688/4.

Minister Lyon to the Secretary of State.

No. 198.]

AMERICAN LEGATION,
Monrovia, May 20, 1907.

SIR: I have the honor to report that the biennial elections for President and Vice-President of the Republic of Liberia and for the

representatives and senators of the national legislature occurred on the 7th instant, with the following results: The present incumbent, the Hon. Arthur Barclay, was elected President, and the Hon. J. J. Dossen, one of the associate justices of the supreme court and a resident of Cape Palmas, was elected Vice-President. These gentlemen represent what is known in Liberia as the True Whig party, which party has succeeded in absorbing all the other parties, so that, practically, there is but one party in Liberia, and its standard bearers therefore had no opposition in the field.

A great deal of opposition, however, centered itself around the attempt to amend the constitution. The proposed amendments, a copy of which had been transmitted in a previous dispatch dated June 13, 1906, were submitted to the voters by an act of the last legislature, and was therefore the paramount issue of the campaign.

Among the most important amendments which received the two-thirds votes at Tuesday's election are that which relates to the term of the President, senators, and representatives, and that which provides for the filling of the office of the vice-president in case of the death of that officer. By the result of Tuesday's election President Barclay will, after the inauguration next January, enter upon his third term for a period of four years, as amended, instead of two years. The senators will have six years instead of four, and the representatives four years instead of two years, and in case of the death of the vice-president, according to the amended constitution, an election must be held to fill the vacancy.

I have, etc.,

ERNEST LYON.

MEXICO.

RECOGNITION OF UNITED STATES MEAT-INSPECTION LABELS.

[Continuation of correspondence in Foreign Relations, 1906, p. 1117.]

File No. 2483/3.

The Acting Secretary of State to Ambassador Thompson.

No. 182.]

DEPARTMENT OF STATE,
Washington, January 17, 1907.

SIR: Referring to your dispatch No. 313, of November 15, 1906,^a and to the letter of the Secretary of Agriculture of the 8th instant, copy of which is inclosed herewith, relative to the requirement by the Mexican Government that American meat certificates shall be viséed by a Mexican consular officer, you are instructed to use your good offices with the Government of Mexico in order to induce it, if possible, to accept the certificates without the requirement in question, on the ground of mutuality of interest in the commercial relations between the two countries.

I am, etc.,

ROBERT BACON.

[Inclosure.]

The Secretary of Agriculture to the Secretary of State.

DEPARTMENT OF AGRICULTURE,
Washington, January 8, 1907.

SIR: Referring to your letter of November 27 last, 2883/2, I have the honor to suggest that this certificate for meat products, when issued, represents an official certificate from this Government. In view of this fact, I desire to know whether in your opinion the Government of Mexico should require the certificates to be viséed by a Mexican consular officer. It would appear to me to be an unnecessary requirement.

I have, etc.,

JAMES WILSON, *Secretary.*

File No. 2483/4-5.

Ambassador Thompson to the Secretary of State.

No. 412.]

AMERICAN EMBASSY,
Mexico, January 29, 1907.

SIR: I acknowledge the receipt of the department's No. 182, of the 17th instant, inclosing a copy of a letter from the Secretary of Agriculture relative to the requirement by the Mexican Government that

^a See Foreign Relations, 1906, p. 1119.

American meat certificates shall be viséed by a Mexican consular officer, and directing that my good offices be used with the Government of Mexico, in order to induce it, if possible, to accept the certificates without the requirement in question, on the ground of mutuality of interest in the commercial relations between the two countries.

I inclose a copy of my note addressed to the foreign office in pursuance of this instruction.

I have, etc.,

D. E. THOMPSON.

[Inclosure.]

Ambassador Thompson to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Mexico, January 29, 1907.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's note,^a dated November 5, 1906, inclosing a copy of a communication from the department of government, which contains the recommendation of the superior board of health that American meat certificates be accepted by the Mexican authorities when viséed by a Mexican consular officer.

I am instructed to inquire whether it would not be possible to waive the requirement of the consular visé on the ground of mutuality of interest in the commercial relations between the two countries.

It would seem that this certificate for meat products, when issued, represents an official certificate from the United States Government.

I renew, etc.,

D. E. THOMPSON.

File No. 2483/6-7.

Chargé McCreery to the Secretary of State.

No. 433.]

AMERICAN EMBASSY,
Mexico, February 14, 1907.

SIR: Referring to the embassy's No. 412 of the 29th ultimo, inclosing a copy of the ambassador's note addressed to the foreign office as directed in the department's No. 182, of January 17, 1907, inquiring whether it would not be possible for the Mexican Government to waive the requirement of a consular visa of American meat certificates, I have the honor to inclose copy and translation of Mr. Mariscal's reply, and of the communication from the department of government, therewith transmitted, stating that articles 37 of the Sanitary Code, and 67 of the General Customs Regulations, prevent the waiver of the requirement.

I have, etc.

FENTON R. MCCREERY.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Chargé McCreery.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, February 9, 1907.

MR. CHARGÉ D'AFFAIRES: AS a result of your note, dated January 29 last, I have the honor to transmit to you herewith copy of a communication I have received from the department of government, stating that it is not possible to

^a See Foreign Relations, 1906, p. 1119.

waive the requisite of consular visa, under the basis of mutual interests in the commercial relations between Mexico and the United States, because said requisite is ordered by articles 37 of the Sanitary Code and 67 of the General Customs Regulations.

I renew, etc.

IGNO MARISCAL.

[Subinclosure—Translation.]

The Subsecretary of the Department of Government to the Minister for Foreign Affairs.

[Copy.]

DEPARTMENT OF GOVERNMENT, MEXICO, FIRST BUREAU.

(No. 4620.)

Having taken note of the communication from the department under your worthy charge, No. 2001, dated the 6th instant, in which you have been pleased to include the note of the 29th ultimo addressed to you by the American embassy at this capital, acknowledging the receipt of the copy of the communication from this department containing the recommendation from the superior board of health in order that American meat certificates be accepted by Mexican authorities, when they are visaed by a Mexican consular officer, and stating that instructions have been received by said embassy to inquire whether it would not be possible to waive the requisite of the consular visa, under the basis of mutual interests in the commercial relations of both countries, I beg to inform you that it is not possible to waive the requisite of the consular visa because the same is ordered by articles 37 of the Sanitary Code and 67 of the General Customs Regulations; and by waiving the same it would mean to repeal the above legal provisions; something that is not within the province of this department.

I renew to you my distinguished consideration. Liberty and the constitution. Mexico, February 8, 1907.

By order of the secretary: The subsecretary.

MIG. S. MACEDO.

PASSPORTS ISSUED UNDER ASSUMED NAMES.

File No. 3146.

Ambassador Thompson to the Secretary of State.

No. 349.]

AMERICAN EMBASSY,
Mexico, December 7, 1906.

SIR: Permit me to bring to the department's attention a passport complication on which I would be pleased to have an opinion.

A few days ago a man, giving the name of Rafael J. del Rio y Rico, called at the embassy and presented to me a letter of introduction, as per copy inclosed,^a from Mr. Lawrence F. Bedford, an attorney-at-law of this city, and asked me to take up with the Mexican Government a certain case, which was brought to the attention of the department by former Ambassador Clayton, as per his despatch No. 1645, of December 5, 1902.^a A few days later he again called at the embassy and applied for the renewal of a passport that was issued under General Clayton's signature to Rafael J. del Rio y Rico. In reading through the papers filed in the embassy relative to the above case I

^a Not printed.

found on inclosure 13 of the above-mentioned dispatch that the real name of the applicant, according to his own statement, is José de la Cruz Catalino Rico. It also appears that in his application for American citizenship, inclosure 8 in said dispatch, filed in the district court for the southern district of the State of New York, he gave the name of Rafael Rico, and as it is evident that Mr. Rico, in securing his first passport under his assumed name of Rafael J. del Rio y Rico and in asking for its renewal at the present time, has sought to establish an identity which has been disputed in the courts of this country, as shown by the inclosures which accompanied General Clayton's above-mentioned dispatch, and to avail himself of his American citizenship (claimed he having been born in Mexico and lived here during the last eleven years) to base a claim against the Mexican Government, I have, therefore, deemed it advisable to obtain the views of the department as to whether the passport in question should be renewed under the name of Rafael J. del Rio y Rico, regardless of Mr. Rico's own declaration that his real name is José de la Cruz Catalino Rico, and that his application for American citizenship shows the name of Rafael Rico.

The name of Rico is the surname of his mother, while that of del Rio is the surname of the man claimed by the applicant to be his father, and Mr. Rico, following the custom of Spanish countries, has made up with the above two surnames and his assumed first name that of Rafael J. del Rio y Rico, under which he has applied for the passport in question.

I have, etc.,

D. E. THOMPSON.

File No. 3146. .

The Secretary of State to Ambassador Thompson.

No. 179.]

DEPARTMENT OF STATE,
Washington, January 15, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 349, of the 7th ultimo, asking whether, under the circumstances explained therein, you should issue a passport to Rafael J. del Rio y Rico.

In reply I have to say that if Mr. Rico is entitled to receive a passport, it would seem to be expedient to have it follow the preceding passport, issued to him by Ambassador Clayton, provided it does not appear that his desire to have it in the same name is with intent to use it improperly, and provided also that he is generally known under that name.

It would also seem that there should be no objection under the circumstances stated by you to issuing a passport to "Rafael Rico, commonly known as Rafael del Rio y Rico," according to the suggestion in an instruction of Mr. Wharton to Mr. Osiel, July 8, 1889, 173 Domestic Letters, 547. (Moore's International Law Digest, section 509.)

I am, etc.,

ELIHU ROOT.

CONVENTION BETWEEN THE UNITED STATES AND MEXICO FOR THE ELIMINATION OF THE BANCOS IN THE RIO GRANDE FROM THE EFFECTS OF ARTICLE II OF THE TREATY OF NOVEMBER 12, 1884.

Signed at Washington March 20, 1905.

Ratification advised by the Senate February 28, 1907.

Ratified by the President March 13, 1907.

Ratified by Mexico March 15, 1907.

Ratifications exchanged at Washington May 31, 1907.

Proclaimed June 5, 1907.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and the United States of Mexico, providing for eliminating the bancos in the Rio Grande from the effects of Article II of the Treaty of November 12, 1884, was concluded and signed by their respective Plenipotentiaries at Washington on the 20th day of March, one thousand nine hundred and five, the original of which Convention being in the English and Spanish languages is word for word as follows:

Whereas, for the purpose of obviating the difficulties arising from the application of Article V of the Treaty of Guadalupe-Hidalgo, dated February 2, 1848, and Article I of the Treaty of December 30, 1853, both concluded between the United States of America and Mexico—difficulties growing out of the frequent changes to which the beds of the Rio Grande and Colorado River are subject—there was signed in Washington on November 12, 1884, by the Plenipotentiaries of the United States and Mexico, a convention containing the following stipulations:

“ARTICLE I.—The dividing line shall forever be that described in the aforesaid treaty and follow the center of the normal channel of the rivers named, notwithstanding any alterations in the banks or in the course of those rivers, provided that such alterations be effected by natural causes through the slow and gradual erosion and deposit of alluvium and not by the abandonment of an existing river bed and the opening of a new one.

“ARTICLE II.—Any other change, wrought by the force of the current whether by the cutting of a new bed or when there is more than one channel by the deepening of another channel than that which marked the boundary at the time of the survey made under the aforesaid treaty, shall produce no change in the dividing line as fixed by the surveys of the International Boundary Commissions in 1852, but the line then fixed shall continue to follow the middle of the original channel bed, even though this should become wholly dry or be obstructed by deposits.”

Whereas, as a result of the topographical labors of the Boundary Commission created by the Convention of March 1, 1889, it has been observed that there is a typical class of changes effected in the bed of the Rio Grandè, in which, owing to slow and gradual erosion, coupled with avulsion, said river abandons its old channel and there are separated from it small portions of land known as “bancos” bounded by the said old bed, and which, according to the terms of Article II of the aforementioned Convention of 1884, remain subject to the dominion and jurisdiction of the country from which they have been separated;

Whereas, said "bancos" are left at a distance from the new river bed, and, by reason of the successive deposits of alluvium, the old channel is becoming effaced, the land of said "bancos" becomes confused with the land of the "bancos" contiguous thereto, thus giving rise to difficulties and controversies, some of an international and others of a private character;

Whereas, the labors of the International Boundary Commission, undertaken with the object of fixing the boundary line with reference to the "bancos," have demonstrated that the application to these "bancos" of the principle established in Article II of the Convention of 1884 renders difficult the solution of the controversies mentioned, and, instead of simplifying, complicates the said boundary line between the two countries;

Therefore the Governments of the United States of America and the United States of Mexico, being desirous to enter into a convention to establish more fitting rules for the solution of such difficulties, have appointed as their Plenipotentiaries—

That of the United States of America, Alvey A. Adee, Acting Secretary of State of the United States;

That of the United States of Mexico, its Ambassador Extraordinary and Plenipotentiary, Licenciado Don Manuel de Azpíroz;

Who, after exhibiting their full powers, found to be in good and due form, have agreed to the following articles:

ARTICLE I.

The fifty-eight (58) bancos surveyed and described in the report of the consulting engineers, dated May 30, 1898, to which reference is made in the record of proceedings of the International Boundary Commission, dated June 14, 1898, and which are drawn on fifty-four (54) maps on a scale of one to five thousand (1 to 5,000), and three index maps, signed by the Commissioners and by the Plenipotentiaries appointed by the convention, are hereby eliminated from the effects of Article II of the Treaty of November 12, 1884.

Within the part of the Rio Grande comprised between its mouth and its confluence with the San Juan River the boundary line between the two countries shall be the broken red line shown on the said maps—that is, it shall follow the deepest channel of the stream—and the dominion and jurisdiction of so many of the aforesaid fifty-eight (58) bancos as may remain on the right bank of the river shall pass to Mexico, and the dominion and jurisdiction of those of the said fifty-eight (58) bancos which may remain on the left bank shall pass to the United States of America.

ARTICLE II.

The International Commission shall, in the future, be guided by the principle of elimination of the bancos established in the foregoing article, with regard to the labors concerning the boundary line throughout that part of the Rio Grande and the Colorado River which serves as a boundary between the two nations. There are hereby excepted from this provision the portions of land segregated by the change in the bed of the said rivers having an area of over two hundred and fifty (250) hectares, or a population of over two

hundred (200) souls, and which shall not be considered as bancos for the purposes of this treaty and shall not be eliminated, the old bed of the river remaining, therefore, the boundary in such cases.

ARTICLE III.

With regard to the bancos which may be formed in future, as well as to those already formed but which are not yet surveyed, the Boundary Commission shall proceed to the places where they have been formed for the purpose of duly applying Articles I and II of the present convention, and the proper maps shall be prepared in which the changes that have occurred shall be shown in a manner similar to that employed in the preparation of the maps of the aforementioned fifty-eight (58) bancos.

As regards these bancos, as well as those already formed but not surveyed, and those that may be formed in future, the Commission shall mark on the ground, with suitable monuments, the bed abandoned by the river, so that the boundaries of the bancos shall be clearly defined.

On all separated land on which the successive alluvial deposits have caused to disappear those parts of the abandoned channel which are adjacent to the river, each of the extremities of said channel shall be united by means of a straight line to the nearest part of the bank of the same river.

ARTICLE IV.

The citizens of either of the two contracting countries who, by virtue of the stipulations of this convention, shall in future be located on the land of the other may remain thereon or remove at any time to whatever place may suit them, and either keep the property which they possess in said territory or dispose of it. Those who prefer to remain on the eliminated bancos may either preserve the title and rights of citizenship of the country to which the said bancos formerly belonged, or acquire the nationality of the country to which they will belong in the future.

Property of all kinds situated on the said bancos shall be inviolably respected, and its present owners, their heirs, and those who may subsequently acquire the property legally, shall enjoy as complete security with respect thereto as if it belonged to citizens of the country where it is situated.

ARTICLE V.

This convention shall be ratified by the two high contracting parties in accordance with their respective Constitutions, and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, we, the undersigned, by virtue of our respective powers, have signed the present convention, both in the English and Spanish languages, and have thereunto affixed our seals.

Done in duplicate, at the City of Washington, this 20th day of March, one thousand nine hundred and five.

ALVEY A. ADEE [SEAL]
M. DE AZPIROZ [SEAL]

And Whereas, the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged at the City of Washington, on the 31st day of May, one thousand nine hundred and seven.

And Whereas, by reason of circumstances unforeseen the Plenipotentiaries of the United States and Mexico who signed the said Convention omitted involuntarily to sign the maps mentioned in Article I thereof, and which form a part of said Convention, and the maps were signed on November 14, 1905, by the Plenipotentiaries of the United States and Mexico in conformity with the authority conferred upon them by their respective Governments, as is evidenced by the Protocol of Signature, attached hereto:

Now, therefore, be it known that I, THEODORE ROOSEVELT, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In Testimony Whereof, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

Done at the City of Washington, this fifth day of June, in the year of Our Lord one Thousand nine hundred and seven, and of [SEAL] the Independence of the United States the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:

ELIHU ROOT

Secretary of State.

PROTOCOL OF SIGNATURE.

The Plenipotentiaries of the United States and Mexico who, on March 20, 1905, signed the treaty for the elimination of bancos in the Rio Grande, having omitted involuntarily to sign the maps mentioned in Article I thereof and which form a part of the said instrument, the undersigned Plenipotentiaries have met together this day and signed the above mentioned maps in conformity with the authority conferred upon them by their respective Governments.

In witness whereof they have signed the present Protocol of Signature and have affixed their seals thereto.

Done at Washington this fourteenth day of November, one thousand nine hundred and five.

[SEAL]
[SEAL]

ALVEY A. ADEE
JOSÉ F. GODOY

THIRD INTERNATIONAL SANITARY CONVENTION, MEXICO CITY,
DECEMBER 2-7, 1907.

File No. 7666/1.

The Acting Secretary of State to the Diplomatic Officers of the United States in countries of the Western Hemisphere.

[Circular.]

DEPARTMENT OF STATE,
Washington, July 30, 1907.

GENTLEMEN: The Director of the Bureau of the American Republics, speaking also for the governing board of the bureau, has

expressed to the Department of State the opinion that it would be helpful to the adequate representation of the several American Republics at the third international sanitary convention to be held at Mexico, December 2-7, 1907, if the representatives of the United States at the capitals of these Republics should discuss with the ministers for foreign affairs and with local sanitary officers the importance of the gathering in question.

Duplicate copies, in English and Spanish, of a pamphlet setting forth the convocation of the third international sanitary convention and documents relating thereto are inclosed herewith.

Inasmuch as the convention is to be held at the City of Mexico, the Mexican Government has undoubtedly taken all appropriate steps to encourage the attendance of representatives of the governments concerned. These governments have doubtless received full information on the subject through the Bureau of the American Republics, their representatives at Washington, and from the chairman of the international sanitary bureau here. Nevertheless, you may take a convenient opportunity to discuss the matter in the manner suggested by the Bureau of American Republics, since the project is one which this Government regards as of interest and importance to all American Republics.

I am, etc.,

ALVEY A. ADEE.

File No. 7666/9.

The Minister for Foreign Affairs of Mexico to the Acting Secretary of State.

[Telegram—Translation.]

MEXICO,
October 14, 1907.

In accordance with the resolution adopted at the second international sanitary convention held at Washington in October, 1905, the date of December 2 next has been set for the meeting of the third international sanitary convention in Mexico City. Although the Bureau of American Republics has already sent out the call, I have the honor to invite Your Excellency's Government, in the name of the Government of Mexico, to send a delegate to the aforesaid third international sanitary convention.

IGNACIO MARISCAL.

File No. 7666/9.

The Acting Secretary of State to the Minister for Foreign Affairs of Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 17, 1907.

I thank Your Excellency for your telegram 14th instant, inviting the Government of the United States in name Mexican Government to send a delegate to the third international sanitary convention to meet at Mexico City December 2. Invitation so courteously extended will have prompt consideration, and I shall have the honor to answer definitely in a few days.

ROBERT BACON.

File No. 7666/9.

The Secretary of State to the Minister for Foreign Affairs of Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 25, 1907.

The Government of the United States is pleased to accept the invitation so courteously extended by your telegram 14th instant to send delegates to the third international sanitary convention at Mexico City next December. Representatives of our Public Health and Marine-Hospital Service will attend.

ELIHU ROOT.

MESSAGE OF THE PRESIDENT OF MEXICO TO THE MEXICAN
CONGRESS.

File No. 1203.

Ambassador Thompson to the Secretary of State.

[Extract.]

AMERICAN EMBASSY,
Mexico, September 18, 1907.

SIR: For the information of the Department of State, I inclose herewith a copy of the message delivered by President Diaz on the occasion of the opening of the Twenty-third Congress, on the 16th instant, taken from the *Diario Oficial* of that date. I also inclose a translation of the same, and an editorial^a thereon, both from the *Mexican Herald* of the 17th instant.

I beg to call especial attention of the department to the marked paragraphs on page 1 of the translation of the message, entitled "Relations with the United States," and "Labor Troubles," and to that on page 2, entitled "Law in Railway Accidents."

I have, etc.,

D. E. THOMPSON.

[Inclosure.—Extracts.]

[From The Mexican Herald, Mexico City, September 17, 1907.]

MEDIATION IN CENTRAL AMERICA.

Fearing that at any moment a war might break out among some of the Central American Republics, and remembering the satisfactory result of the good offices exerted by me, in concert with President Roosevelt, to bring to an end a former conflict between two of the nations in question, I deemed it expedient to ask Mr. Roosevelt, who has shown a willingness to act in concert with me with respect to Central America, whether he was disposed to do so on this occasion. As the answer was in the affirmative and couched in the most friendly terms, the two of us simultaneously sent telegrams to the five presidents of Central America, who immediately answered, agreeing to the assembling of a conference to adjust the differences of the Republics alluded to, and for which the arrangements will be forthwith worked out. In the meantime, it seems that, for the time being at any rate, the menace of a devastating and sanguinary war in Central America has been averted.

^a Not printed.

RELATIONS WITH THE UNITED STATES.

It is gratifying to me to inform you that the various controversies which naturally arise between neighboring nations like Mexico and the United States of America have been adjusted of late in a spirit of genuine harmony and good will on the part of both Governments, demonstrating the stability and cordiality of the relations between the two countries.

CONVENTIONS CONCLUDED AT RIO JANEIRO.

The Executive submitted to the Senate, during the last period of its sessions, a convention signed at the third international conference of American States at Rio Janeiro last year, providing for the creation of an international commission of jurists composed of one representative for each of the signatory States, to draft proposals for codes of private and public international law which shall regulate the relations of the nations of America with one another. The convention in question, after being approved by the Senate, was ratified by the Executive and was in due course promulgated in the *Diario Oficial* with a view to its observance.

During the present period of sessions two other conventions, emanating from that noted conference and relating to matters of general importance to the nations of America, will be submitted to the Senate. One of those conventions renews for five years the treaty in regard to the pecuniary claims and damages, signed at the Second International Conference of American States held in this capital. The other aims at fixing the status of persons who, having become naturalized in another country, return to that of their birth to reside. The object of both conventions is to obviate friction among the signatory States.

LABOR TROUBLES.

The movements of labor, to which I have referred in previous messages, have not ceased altogether, but the demonstrations have diminished considerably both in frequency and intensity, and those that have occurred in recent months were of a minor character and of short duration, so that in general there was no occasion for the authorities to act in order to put a stop to them or to prevent perturbations of public order.

LAW IN RAILWAY ACCIDENTS.

The application of the old federal legislation in cases of railway accidents has always been attended with serious drawbacks which the Executive has endeavored to obviate by means of administrative enactments, which aim at removing those drawbacks compatibly with the due observance of legal precepts and without impairment of judicial powers. For this object the circulars issued on various occasions have been collected in order to be sent in a body to the federal judges, and judges acting as such, with a view to their punctual and invariable observance.

NOTICE OF DECISIONS IN EXTRADITION CASES BETWEEN THE UNITED STATES AND MEXICO.

File No. 7291.

The Mexican Ambassador to the Secretary of State.

[Translation.]

No. 73.]

EMBASSY OF MEXICO,
Washington, June 24, 1907.

MOST EXCELLENT SIR: With reference to the correspondence exchanged between this embassy and the department in your worthy charge, regarding the express notice my Government would like to have of the decision reached in every case of extradition in which the surrender of a fugitive criminal is requested, and with special reference to your department's note No. 542 of the 5th of December,

1904, by which you were pleased to advise this office that the Attorney-General had been asked to instruct all the extradition magistrates to acquaint your department with the decisions reached in every case, to enable your department to comply with this embassy's request, I have the honor again to ask that copies of the decisions under consideration be furnished to me hereafter.

I beg to inform you that the Department of Foreign Relations of my country has made it a constant practice to forward to the Ambassador of the United States at Mexico City a full copy of every decision of that Department in which the grounds for the decision in every extradition case are set forth and to publish in its monthly Bulletin every case thus decided. It is therefore earnestly hoped that, if there be no objection thereto, the department in your worthy charge will not hesitate about acceding to my Government's desire.

I further beg to draw your attention to the fact that the proposed practice would also serve an eminently useful purpose for both countries, as a perfect knowledge of the respective proceedings and decisions would help in establishing a uniform jurisprudence and remedying the defects of the law.

I renew, etc.,

ENRIQUE C. CREEL.

File No. 7291/1.

The Secretary of State to the Mexican Ambassador.

No. 141.]

DEPARTMENT OF STATE,
Washington, December 3, 1907.

EXCELLENCY: Referring to your note No. 73, of June 24 last, in which you renew the request of your Government that it be furnished with the decisions of the examining magistrates in all cases of extradition from the United States to Mexico, I have the honor to say that this department brought the matter to the attention of the Department of Justice, with a view to a compliance with the Mexican Government's request. The Acting Attorney-General has advised this department, in reply, that he has instructed the United States attorneys for the judicial districts of Texas, New Mexico, Arizona, and California to send to that department promptly after they shall have been promulgated a copy of the decisions of the judge or magistrate in all extradition proceedings pending or to be instituted in each of the above-mentioned districts. When received from the Department of Justice, a copy of these proceedings will be sent at once to your embassy.

Most of the cases of extradition from the United States to Mexico arise in the States above mentioned. With regard to the others, the Acting Attorney-General states that the Department of Justice will also be glad to secure, from time to time, and forward to the Department of State, a copy of the decisions made by the extradition magistrates in any of the other judicial districts of the United States. Such decisions will be transmitted to your embassy in due course.

Accept, etc.,

ELIHU ROOT.

RECIPROCAL AGREEMENT RELATIVE TO THE STATIONING OF
COALING VESSELS IN THE WATERS OF MEXICO AND THE
UNITED STATES.

File No. 4500.

Chargé Coolidge to the Secretary of State.

No. 795.]

AMERICAN EMBASSY,
Mexico, November 19, 1907.

SIR: Referring to my No. 781, of November 12,^a with regard to the stationing of coaling vessels at Magdalena Bay, I have the honor to inclose a copy of a note from the foreign office in reply to the offer of reciprocity and to confirm my telegram of the 18th thereon, as follows:^a

I have, etc.,

JOHN GARDNER COOLIDGE.

[Inclosure.—Translation.]

The Minister for Foreign Affairs of Mexico to Chargé Coolidge.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, November 16, 1907.

MR. CHARGÉ D'AFFAIRES: I have received your note, dated the 9th instant, in which you acknowledge the receipt of mine of the 4th, in which, acceding to the request of your Government, I advised you concerning that which Mexico considers reciprocity in regard to the permission for the stay of two coaling barges in Magdalena Bay, destined to supply the American squadron.

You have kindly expressed your acceptance of the understanding of the Mexican Government about reciprocity, as also that the American Government is disposed to grant permission to Mexican men of war and other vessels to anchor or take coal in American ports, and you close your note by saying that with reference to coaling, the laws of the United States permit the same to all foreign vessels, this being the practice constantly observed by the United States.

The above assertion from you compels me to make an explanation, which I consider in every sense necessary.

In the same manner that the United States does, Mexico grants to all kinds of vessels in times of peace to anchor and take coal within Mexican waters, receiving them with the usual courtesy, permitting men of war to remain stationed in Mexican waters only during a short period of time, while the anchorage of the American coaling barges will be permanent during a period of three years, according to the communication relative to the matter addressed by the Executive to the Senate of Mexico, concerning which I had the honor to inform the embassy in my note of October 25 last.

Therefore, I beg you to kindly advise me if the intention of your Government regarding reciprocity for the supply of Mexican war vessels is that they can remain stationed in American waters during the same period of three years, or only during the time ordinarily granted to all other foreign vessels.

I consider your reply indispensable in order to act in accordance with the decision of the Senate, and I renew, etc.

IGNO. MARISCAL.

File No. 4500/41-42.

Ambassador Thompson to the Secretary of State.

No. 843.]

AMERICAN EMBASSY,
Mexico, December 18, 1907.

SIR: Referring to my dispatch No. 837, of the 15th instant, I acknowledge the receipt of your telegram of yesterday's date on the

^a Not printed.

subject of the reciprocal advantages required by Mexico contingent to granting permission for the American Government to station two coaling barges in Magdalena Bay, as follows: ^a

A copy of my note which was sent to the foreign office on receipt of of the above telegram is inclosed herewith. This note was addressed to Mr. Algara, subsecretary for foreign affairs, who is at present in charge of that department, Mr. Mariscal being ill and away from the city.

I have, etc.,

D. E. THOMPSON.

[Inclosure.]

Ambassador Thompson to the Subsecretary for Foreign Affairs of Mexico.

AMERICAN EMBASSY,
Mexico, December 17, 1907.

Mr. SUBSECRETARY: Referring to the note of your department of November 16, on the subject of the privilege desired by my Government of stationing coaling barges in Magdalena Bay, all of which was telegraphed to Washington by Mr. Coolidge:

I now have a telegram from Mr. Root in which he regrets deeply that action has not before been taken on this telegram, he having been under the impression that it had been acted upon until the receipt of my telegram of Saturday, the 14th instant.

I am instructed to say to the Government of Mexico that it is the intention of the American Government regarding reciprocity for the supply of Mexican war vessels, that they can remain stationed in American waters during the same period for which that privilege is accorded to the vessels of the United States in pursuance of our request.

In other words, the Government of the United States will grant to Mexico, in the event that such privileges are desired, the same that Mexico is asked to grant to the American Government in the way of privileges to American coaling vessels in Mexican waters.

The delay in answering your department's note of November 16, reported to Washington by telegraph, seems to have been caused by referring the matter to the Navy Department, where an unexpected delay occurred.

I avail, etc.,

D. E. THOMPSON.

DEPREDACTIONS OF YAQUI INDIANS.

SMUGGLING OF ARMS AND AMMUNITION.

[Continuation of correspondence in Foreign Relations, 1906, p. 1134.]

File No. 283/61-64.

The Mexican Ambassador to the Secretary of State.

[Translation.]

No. 16.]

EMBASSY OF MEXICO,
Washington, March 13, 1907.

MOST EXCELLENT SIR: With reference to note No. 142, dated November 30, 1906, from the Department of State, respecting the suspension of the surveillance exercised by a detachment of armed

^a Not printed.

forces to prevent, as far as possible, the smuggling of arms and ammunition for the Yaqui Indians and their agents, I am sorry to have to inform you that the smuggling has been resumed on the Arizona border, as may be seen from the copy of the official communications, from the Department of War, marked inclosures, and from the consul of Mexico at Tuscon, marked 2 and 3.^a

This terrible war of the Yaqui Indians constitutes a constant danger and menace to the residents of Sonora, Mexicans and aliens, and has unfortunately made victims at the various times when the Indians rose in war-like mood.

The Government of Mexico is putting forth every effort to bring to an end this war of the savage against humanity and civilization and has accomplished much in late years, but there are still roving scattered parties of Indian rebels who do no harm when they lack arms, but turn into fanatical fighters as soon as they can procure them.

As the sale of rifles, carbines, and pistols and cartridges for the same is prohibited by section 362 of the statutes of Arizona of 1901, and as, on the other hand, the Government of the United States has evidenced its readiness to prevent the clandestine exportation of arms and ammunition for the Yaqui Indians, thus assisting in the maintenance of the neutrality laws and taking from the foes of the lives of Mexicans and Americans residing in the State of Sonora the means of making war, I trust that in this instance the Government of the United States will, as heretofore, lend its very important and valuable cooperation.

In view of the precedents herein referred to, of the requirements of the law, and of the arrangements made in similar cases by the American Government, I permit myself to bring these facts to your excellency's knowledge to the end that you may be pleased to take such action as you may deem expedient.

Be pleased, etc.,

ENRIQUE C. CREEL.

File No. 283/61-64.

The Secretary of State to the Mexican Ambassador.

No. 15.]

DEPARTMENT OF STATE,
Washington, March 20, 1907.

EXCELLENCY: I have the honor to acknowledge the receipt of your note No. 16, of the 13th instant, stating that the smuggling of arms and ammunition from Arizona, for the use of the Yaqui Indians, has been resumed, and requesting the cooperation of this Government to put a stop thereto.

In reply I have the honor to inform you that copies of your note and of its inclosures have been sent to the governor of Arizona, the Secretaries of War, of the Treasury, and of Commerce and Labor, and to the Attorney-General, with the request that they again put into operation the precautionary measures employed by them last summer to prevent arms and ammunition from reaching these rebellious Indians.

Accept, etc.,

ELIHU ROOT.

^a Not printed.

File No. 283/65.

The Acting Secretary of State to the Mexican Ambassador.

No. 26.]

DEPARTMENT OF STATE,
Washington, April 6, 1907.

EXCELLENCY: Referring to the department's note No. 15, of the 20th ultimo, I have the honor to inform you that on the 23d ultimo the Secretary of the Interior requested the governor of Arizona to put again immediately into operation the precautionary measures that were employed by the authorities of Arizona last summer to prevent the smuggling of arms and ammunition into Mexico, for the use of the Yaqui Indians, and that the department is in receipt of a letter from the Secretary of the Treasury, in which he states that on the 23d ultimo he instructed the collector of customs at Nogales, Ariz., by telegraph, to renew his precautions against the smuggling of arms and ammunition into Mexico.

Accept, etc.,

ROBERT BACON.

File No. 283/71-72.

*The Acting Secretary of State to the Mexican Ambassador.*DEPARTMENT OF STATE,
Washington, April 10, 1907.

MY DEAR MR. AMBASSADOR: Referring to the department's note No. 26, of the 6th instant, I have now to inform you that the Secretary of the Interior has sent to this department a copy of a letter to him from the governor of Arizona, dated the 30th ultimo, in which the latter says that he has notified the Arizona Rangers and the sheriffs of the border counties to exercise the utmost diligence to detect and prevent the smuggling of firearms and ammunition to Mexico, for the use of the Yaqui Indians.

I am, etc.,

ROBERT BACON.

File No. 283/79-86.

The Secretary of State to the Mexican Ambassador.

No. 35.]

DEPARTMENT OF STATE,
Washington, May 7, 1907.

EXCELLENCY: Referring to the department's note, No. 26, of the 6th ultimo, I have the honor to inclose herewith, for your information, a copy of a report dated the 23d ultimo, made by the governor of Arizona to the Secretary of the Interior, showing the measures taken by the former to prevent the smuggling of firearms and ammunition from that Territory into Mexico for the use of the Yaqui Indians.

Accept, etc.,

ELIHU ROOT.

[Inclosure.]

*The Governor of Arizona to the Secretary of the Interior.*OFFICE OF THE GOVERNOR,
Phoenix, Ariz., April 23, 1907.

SIR: I duly received your favor of the 4th instant advising me of the receipt of my letter of the 30th ultimo relative to the smuggling of firearms across the Mexican border for the use of the Yaqui Indians, and requesting me to advise you of the reports received from the rangers and sheriffs.

I have the honor to inclose herewith copies of letters received by me from the sheriffs of the southern counties of the Territory and from the captain of the rangers.

In addition to these reports I have further information gathered by my secretary during a recent trip through the border counties, and I am satisfied that the Yaquis are now obtaining few, if any, arms from this Territory. Early last summer, as you are aware, I had occasion to give full instructions to the sheriffs and rangers, and the diligence of these officers led to a practical suppression of the traffic, according to the advices given me some months ago by Gen. Luis Terres, commander of the military zone of Sonora and Sinaloa. And it appears that there has been no resumption of the traffic of consequence. It is difficult, of course, to prevent altogether the sales of arms for the benefit of the Yaquis, as pointed out in my annual report for last year (pp. 21-22).

I shall continue to give this matter my careful attention, and am confident that our friends, the Mexican authorities, will have no ground for complaint against this Territory.

Very respectfully,

JOS. H. KIBBEY.

[Subinclosure.]

[From Captain Wheeler's reports of movements of the Rangers.]

TOMBSTONE, ARIZ., *April 1, 1907.*HON. JOSEPH H. KIBBEY,
Governor of Arizona, Phoenix, Ariz.

SIR: I respectfully acknowledge receipt to-day of your letter containing directions for suppressing the smuggling of arms to Yaqui Indians. We will do all in our power to stop the practice.

HEADQUARTERS ARIZONA RANGERS,
*Naco, Ariz., April 5, 1907.*HON. JOSEPH H. KIBBEY,
Governor of Arizona, Phoenix, Ariz.

SIR: * * * We have been investigating the sale of arms at the stores of the different towns. All stores report very low sales since the trouble of last June. I am convinced, and my men concur, that if any arms are being smuggled to Yaqui Indians, it is being done by the Papagoes (Indians). They are great friends; the Papagoes can easily secure arms from Tucson parties and in turn deliver them to the Yaquis. We know that Yaquis have made visits to Papago country. I will send a squad to watch that section, and will also keep close guard along the border between Douglas and Nogales.

FLORENCE, ARIZ., *March 31, 1907.*HON. JOSEPH H. KIBBEY,
Governor, Phoenix, Ariz.

DEAR SIR: I am in receipt of your letter of March 30, and will say in reply that I will do all in my power to detect and prevent the sale of firearms to the Indians in this county, and further that I will assist in any way possible in preventing arms from being sent from this county to the Yaquis.

Very truly, yours,

(Signed) JAMES E. MCGEE, *Sheriff.*
By T. C. WELLS, *Deputy.*

OFFICE OF THE SHERIFF OF COCHISE COUNTY,
Tombstone, Ariz., April 3, 1907.

HON. JOSEPH H. KIBBEY,
Governor of Arizona, Phoenix, Ariz.

DEAR SIR: I have the honor to acknowledge receipt of your letter of March 30, relative to the alleged smuggling of firearms and ammunition to the Yaqui Indians of Mexico. I will notify all dealers of the law, and will also direct my deputies to cooperate with the Arizona Rangers to detect and prevent this business.

Yours, very respectfully,

(Signed)

JOHN F. WHITE, *Sheriff*.
By A. H. HOPKINS, *Undersheriff*.

OFFICE OF THE SHERIFF OF PIMA COUNTY,
Tucson, Ariz., April 2, 1907.

HON. JOSEPH H. KIBBEY,
Governor of Arizona, Phoenix, Ariz.

DEAR SIR: I beg to acknowledge receipt of yours of the 30th of March. Replying to same will say that I will notify all dealers in this county, as per your instructions, and my deputies and self will do all in our power to detect and prevent the sale and passage of firearms into Mexico.

Respectfully,

(Signed)

NABOR PACHECO,
Sheriff of Pima County.

SHERIFF OF SANTA CRUZ COUNTY,
Nogales, Ariz., April 1, 1907.

To the GOVERNOR, Phoenix, Ariz.

SIR: I am in receipt of your letter of the 30th ultimo, regarding the sale of firearms in this Territory to Yaqui Indians, and in reply to same I assure you that every precaution will be taken to prevent the above practice in the future.

Yours, very truly,

(Signed)

HARRY J. SAXON, *Sheriff*.

OFFICE OF THE SHERIFF OF YUMA COUNTY, ARIZ.,
Yuma, Ariz., April 9, 1907.

HON. JOS. H. KIBBY, *Governor*,
Phoenix, Ariz.

DEAR SIR: I am in receipt of your favor of March 30 in regard to Indians buying firearms. Myself and deputies have and do all the time keep a close watch on all Indians trying to buy firearms and ammunition, and we have had only one case of Indians buying firearms since our first notification from your office (June, 1906), and these were Indians that live on this side of the line and have no relations with the Yaqui Indians whatever. Nevertheless, we will keep a close watch and see that no arms are bought here for the purpose of smuggling them across the line to the Yaqui Indians.

Yours, very truly,

(Signed)

GUS LIVINGSTON,
Sheriff of Yuma County, Ariz.

File No. 283/75-78.

The Secretary of State to the Mexican Ambassador.

No. 36.]

DEPARTMENT OF STATE,
Washington, May 8, 1907.

EXCELLENCY: Referring to the department's note No. 35, of the 7th instant, I have the honor to inclose herewith for your information an extract from a letter, dated the 26th ultimo, from the Acting

Attorney-General, and a copy of its inclosures and an extract from another,^a showing the result of an investigation that has been made by direction of the Attorney-General of the alleged smuggling of firearms and ammunition into Mexico from Arizona, for the use of the Yaqui Indians.

At the same time the Acting Attorney-General sent to this department a copy of a letter addressed to an agent of the Department of Justice by an American citizen long resident in Mexico, in which the writer expresses his opinion regarding the agencies employed in Mexico to prevent firearms and ammunition from reaching the Yaquis. An extract from that letter is herewith inclosed; but the name of the writer is withheld, as the letter was written in confidence to the agent above mentioned of the Department of Justice.

Accept, etc.,

ELIHU ROOT.

[Inclosure 1—Extract.]

The Acting Attorney-General to the Secretary of State.

DEPARTMENT OF JUSTICE,
Washington, April 26, 1907.

SIR: Referring again to your letter of March 20, in reference to the resumption of smuggling of arms and ammunition from Arizona into Mexico for the use of the Yaqui Indians, I have the honor to advise that I have received a report, dated the 12th instant, from the United States marshal for the Territory of Arizona, giving the result of his investigation of this matter, which report I inclose herein.

It appears from the report of the marshal that, so far as he can ascertain, there is no sale of arms and ammunition being made in Arizona to the Yaqui Indians, and hence no ground for the prosecution under the territorial laws of Arizona forbidding the sale of firearms to the Indians; also that there is a good deal of transmission of arms and ammunition into Mexico, which, however, is often done under permit from the Mexican Government, and probably also some considerable smuggling of arms and ammunition across the border through sparsely settled regions, where prevention would be exceedingly difficult, if not impossible, and that in one case, at least, where the marshal recently obtained knowledge that the ammunition had been smuggled across the line, his effort to advise the colonel of the Mexican rural guard in time to seize the goods was defeated by the colonel's failure to come for an interview at the place designated.

On the whole there does not appear anything whatever in the nature of the fitting out of a hostile expedition in this country against Mexico, and nothing in the sporadic smuggling of arms across the border which is a violation of the neutrality laws of this country or which would justify the arrest or punishment of the smugglers in this country; but the remedy would seem to be within the hands of the Mexican authorities in the vigilant prosecution of the offenders on the Mexican side.

I have directed the marshal to continue his investigations of this matter and to report to me from time to time, especially if he can discover any evidence of sales of arms being made to the Yaqui Indians themselves, and have also directed, in the event he learns of any cases of smuggling, to immediately advise the Mexican authorities, in order that they may take the proper steps on the Mexican side. While desirous in every proper way of showing our friendliness to the Mexican Government, I do not see that the facts ascertained justify any further action at the present time.

Respectfully,

H. M. HOYT.

^a Not printed.

VISIT OF THE SECRETARY OF STATE OF THE UNITED STATES TO
MEXICO.

File No. 7187.

Ambassador Thompson to the Secretary of State.

No. 752.]

AMERICAN EMBASSY,
Mexico, October 22, 1907.

SIR: For the information of the department I inclose herewith clippings^a of everything that was printed in the Mexican Herald with reference to the visit of Mr. Root to Mexico from the time of his reception by the Mexican committee at San Antonio, Tex., until his return to the United States.

I have, etc.,

D. E. THOMPSON.

[Inclosure.]

Speech of welcome delivered by Gen. Pedro Rincon Gallardo September 29, 1907.

YOUR EXCELLENCY: Especially appointed for this purpose by the President, in behalf of the Government of the Republic, we have the honor to tender to your excellency the most cordial welcome for your happy arrival to Mexico, whose people, of whom we must consider ourselves the faithful echo, pledge the continued good relations with the people of the United States. The reception is an homage to your well-known merits, and the people are anxious to receive your excellency as their illustrious guest and highly esteemed friend. The same people of Mexico, during your excellency's brief sojourn amongst us, will show how true is their esteem for you and how proud they will feel on the occasion of this visit of your excellency, accompanied by Mrs. and Miss Root, an event, the memory of which will remain forever engraved in our hearts.

Mr. Root's reply.

GEN. RINCON GALLARDO AND GENTLEMEN OF THE COMMITTEE: I beg you to believe that I am highly appreciative of the cordial and hospitable greeting with which I have been received by you on the threshold of your beautiful and wonderful country. I hope that the visit which now begins will not merely give me personally the opportunity which I have long desired to see this great country and its marvels, to meet its public men, and especially to see its illustrious President. I hope that it will also serve, as it is intended to serve, as evidence of the desire of the Government and people of the United States to strengthen and increase the steadfast friendship which they have long felt for the people and Government of Mexico.

Speech of President Diaz at banquet given at the National Palace October, 1907.

MOST EXCELLENT SIR: In the name of the Mexican people and of their Government I tender you this banquet, acknowledging thereby those sentiments of sympathy which are felt and which distinguish one and another, the people of the United States, the great citizen who presides over its high destinies, and the illustrious statesman who honors us with his interesting, transcendental, and very welcome visit. Bonds of sympathy and fellow-feeling, Mr. Secretary, which are not new, but which germinated in the breasts of our fathers at the inception of the independence of our country, our fathers who contemplated with patriotic enthusiasm the daring exploits in war and imitated the political examples set by your heroic liberators; and sentiments which we, of subsequent generations, have also cultivated, because, in studying the causes which produce the prodigious national prosperity with which your country has astounded the world, we become accustomed to admire, to magnify, perhaps,

^a Speeches only are printed.

the indomitable will, energy, labor, and civic and patriotic solidarity which constitute the energetic, sociable, and abundantly productive type of your countrymen.

The Mexican people, Mr. Secretary, are honored as well as pleased to have you in their midst—honored, because you are the fountain of honor as a noted statesman of our century, and highly pleased because your clear and rapid conception promises us that, seeing with your own eyes the kind and well-merited feelings with which we harbor your countrymen who seek in our land the generous treatment proportionate to their intelligence, perseverance, and indefatigable labor, you may affirm that in Mexico we profess ideas which, carried to the practice of strict reciprocity, must make happy and loyal friends the two nations which are united by contiguity.

In conclusion, gentlemen, I extend my thanks to the distinguished ladies and misses who have had the kindness to honor and embellish our tables with their presence, and permit me to invite you to drink with them and with me, hoping that prodigious harmonization of individual rights and correct liberties, which is called the United States of America, may be perpetuated in its increasing moral and material progress, which has given prestige throughout the world to government by popular representation.

I drink also for the personal happiness of that grand friend of universal peace, President of the grand Republic, the Hon. Theodore Roosevelt, and that our illustrious guest and his lovable family may find in Mexico a mansion as pleasing as their interesting visit is to the Mexican people.

Mr. Root's reply.

YOUR EXCELLENCY: I thank you most sincerely for the kind and gracious words which you have used regarding my poor self, regarding my President, from whom I bring you and to the Mexican people a message of deep and warm friendship and good wishes, and as to my country, which I believe is fitly represented by this brief visit of friendship, with the purpose, not of creating, for they are already created, but of increasing and advancing the ideas of amity and mutual helpfulness between two great Republics.

I can not keep my mind from reverting to a former visit by an American Secretary of State to the Republic of Mexico. Thirty-eight years ago Mr. Seward, a really great American Secretary of State, visited this country. How vast the difference between what he found and what I find. Then was a country torn by a civil war, sunk in poverty, in distress. Now I find a country great in its prosperity, in its wealth, in its activity and enterprise, in the moral strength of its just and equal laws, and unalterable purpose to advance its people steadily along the pathway of progress. Mr. President, the people of the United States feel that the world owes this great change chiefly to you. They are grateful to you for it, for they rejoice in the prosperity and happiness of Mexico. We believe, sir, that we are richer and happier because you are richer and happier, and we rejoice that you are no longer a poor and struggling nation needing assistance, but that you are strong and vigorous, so that we can go with you side by side in demonstrating to the world that republics are able to govern themselves wisely—side by side in helping to carry to our less fortunate sisters the blessing of peace.

Mr. President, I have said that we need not create, but wish to strengthen, the ties of friendship. It is my hope that through more perfect understanding, through personal intercourse, through the more complete unity of action to be acquired by the individual intercourse of the men of Mexico and the men of the United States, not only may our friendship be increased, but our power for usefulness—for that usefulness demonstrates the right of nations to be perpetuated—may be enlarged.

For the generous hospitality, for the spirit of friendship with which you and the people of Mexico have welcomed me as a representative of the United States, I thank you and them, and I hope that there may be found in this visit and in this welcome not merely the pleasure of a holiday, but a step along the pathway of two great nations in their service to humanity.

Speech of Governor Guillermo de Landa y Escandon, Municipal Palace, October 3, 1907.

YOUR EXCELLENCY: Last year, in accordance with the wishes of your President, you undertook to visit and become acquainted with Latin-America, and for that purpose you made an extended voyage which was fruitful in happy results.

At the beginning of the sixteenth century adventurous Spanish and Portuguese navigators sailed from the Atlantic into the Pacific, effecting important discoveries of which the object was to rescue from darkness populous regions which, since then, have formed part of the civilized world. You have sailed over nearly the same route four centuries later, proclaiming a message of peace and concord in all those regions whose inhabitants greeted you with acclamations from the northern ports of Brazil round to those of Colombia and Panama.

You are now crowning your mission by visiting the Mexican Republic, and you arrive at this capital animated by the same aspirations as actuated you when you set foot on the cruiser *Charleston* in the port of New York on July 4, 1906.

Your aims are so noble and great that they can not but be sincere. The course which you have set before yourself would not be possible for one whose head did not harbor the loftiest ideals, and whose heart did not quicken to the finest sentiments.

Your President is a great man; rectitude and loyalty are the dominant features of his character. A soldier, and a brave one, he knows what war is, and, therefore, he abhors it with all the force of his large heart; the war which engages his thoughts is war upon war itself.

It would not befit me at this moment, much as I should wish, to extol the character of the Supreme Magistrate of my country. But I may say that, though a soldier like your own President, he detests war in the same degree, so that the ideals and aims of both great men are alike directed toward an object sublime and desired of all men—peace.

The nations which both statesmen govern follow their lead in this respect with energetic unanimity, and it is safe to augur the happiest results from a concert so auspicious.

You, sir, second the purposes of both of those leaders with a zeal which nothing can cool; your mind has been formed at the bar—in the school of justice—and, like our two Presidents, you abominate injustice and double dealings.

You also know what war is and you share the aversion for it of the two great American statesmen who are the standard bearers of peace in the new world.

Welcome, excellency, to this ancient capital of the Empire of Montezuma. She opens her gates to you and to your family, and offers you the sincerest hospitality, hoping you may preserve of her recollections as lasting as she will preserve of the visit of one whose happy mission it has been to carry everywhere the spirit of peace, good will, and fraternity.

Mr. Root's reply.

Governor Landa, your welcome now is as it has been from the first instant of my visit, both graceful and grateful. I have been most delighted by the many interesting things I have seen here.

Above all things, I feel impelled to say that the most interesting thing in Mexico, so far as my knowledge goes, is your President. [Applause.] It has seemed to me that of all the men now living Porfirio Diaz, of Mexico, was best worth seeing. Whether one considers the adventurous, daring, chivalric incidents of his early career; whether one considers the vast work of government which his wisdom and courage and commanding character has accomplished; whether one considers the singularly attractive personality, no one lives to-day who I would rather see than President Diaz. If I were a poet I would write sophistry; if I were a musician I would compose triumphal marches; if I were a Mexican I should feel that the steadfast loyalty of a lifetime could not be too much in return for the blessings that he had brought to my country. As I am neither poet, musician, nor Mexican, but only an American who loves justice and liberty and hopes to see their reign among mankind progress and strengthen and become perpetual, I look to Porfirio Diaz, the President of Mexico, as one of the great men to be held up for the hero worship of mankind.

*Speech of Lic. Manuel Calero, President of the Chambers of Deputies,
October 3, 1907.*

Honorable Secretary of State, welcome; the national representation, the chamber that constitutionally symbolizes that people which in this section of the Western Hemisphere, is ever striving, ever wrestling to attain a higher civilization, to win for itself a respected name among nations, feels pleasure in

welcoming you to its midst, for you are at the present moment the symbolical representation of a great and friendly people and the personification of its brotherly feelings toward us. You, honored sir, are our guest and were the traditional chivalry of our people not sufficient justification for our cordiality toward you, the high character of your office, the luster encircling your name, and the mission of peace which brings you to this land, all would move us to open our arms to you.

Your name is not unknown to us. We have followed the trail of your labors and triumphs for the last decade. We know, too, that the people whence you have come, and, setting aside all false modesty, can truly say we know them better than they do us.

That you once wronged, that, when burning political, economical, and humane problems beset you, the course of justice was momentarily hampered, we have not forgotten; we have not. But as the years rolled on you have won back, inch by inch, your place in our affections; the intercourse every day closer and closer between your people and ours, stepping over the bounds set by race and tongue, has infused new life into this feeling of mutual good will and friendship, which tend to establish harmony of ideals and close similarity of destiny.

We, less blessed by fortune, but no whit less rich in ideals and lofty aspirations, feel pleasure in studying you. We shall endeavor to reap benefits from the lessons of your success, and we shall try to avert the great evils which are born of a prosperity such as yours, and which would undermine the walls of your civilization did there not arise from out of your midst men of great virtue and indomitable strength of will, armed for the fray against guilt, combating evil, true apostles of right. Theodore Roosevelt is one of such fighters, the most conspicuous of our times, the ardent devotee of justice, who claims for good citizens, for the rich and the poor, the proud and the humble, perfect equality and liberty unrestrained, without which lawful energies may not expand, and demands alike for all equal justice equal treatment, "a square deal," to use his own concise and vigorous phrase.

This it is which explains the whole-hearted prestige won by your chief executive within the limits of your own country, and which has passed the bounds of your territory and has been merged into international prestige accorded to him by all cultured nations. And, in no small measure, did you with your knowledge, your ceaseless labor and your delicate tact, contribute to this happy end. Thus the world has seen how the voice of Theodore Roosevelt, outreaching the roar of the cannons of Mukden, puts an end to the war which in shame to human culture heralded the dawn of the twentieth century; it has seen how, in deference to his initiative, the cultured nations of the world hastened to meet at The Hague conference, and how, as a reward for his constant efforts, united with those of the glorious Chief Executive of this Republic, who now receives you with every mark of honor, the disorders in the neighboring republics to the south were pacified, and these are now making ready for a work of peace and harmony, the beginning of that longed for era of prosperity.

That international importance achieved by your Government and your country had its beginning when President Monroe gave forth to the world his famous doctrine, so debated, so misunderstood, and perhaps so dangerous, if—as has sometimes been thought—it might be used as a means of illegitimate preponderance at the expense of the sovereignty of other nations. The Monroe doctrine embodies, nevertheless, and we should not hesitate in saying so, the first principle of international law of a great part of this continent, if not the whole. This it means for us Mexicans, ever since the President of the Republic announced it to Congress in his memorable message of April, 1896, received with general acclamation by the national representation, and later by the whole country. The integrity of the nations of this continent is of vital interest to all, collectively, and not only to the country immediately affected. Any attack on this integrity should constitute an offense in the eyes of the other nations of America. Accordingly, one of our great thinkers and statesmen has wisely said: "America for Americans means each country for its own people, to the exclusion of all foreign interference, whether this comes from other countries of this continent or whether it comes from any other nation whatsoever. And we in our trying struggles of the past have given ample proof to the whole world of our homage to independence and our hatred to all foreign intervention, to use President Diaz's own words."

Accept as the supreme dogma of our political religion the immortal words of President Lincoln, that "the government of the people, by the people, and for the people" shall not perish from earth.

Mr. Root's reply.

MR. PRESIDENT AND MEMBERS OF THE CHAMBER OF DEPUTIES OF THE UNITED STATES OF MEXICO: I am doubly sensible of the high honor which you have conferred upon me by this audience to-day. I am sensible also of the great mark of friendship to my country involved in the reception of one of her officers in this distinguished manner by the law-making—by the popular law-making—body of this great Republic. I sincerely hope, not merely that I personally may never do ought to show myself to have been unworthy of your consideration, but that my country may forever, in its attitude and conduct toward the people of Mexico, justify your kindness.

You will gather from my words, which your President has been good enough to quote in the admirable and grateful address which he has just made, that I am one of those who believe that the old days when nations sought to enrich themselves by taking away the wealth of others by force ought to pass and are passing. I believe, and I am happy to know that the great mass of my countrymen believe, that it is not only more Christian, not only more honorable, but also more useful and beneficial for all nations, and especially all neighboring nations, to unite in helping each other create more wealth, so that all may be rich and prosperous, rather than to seek to take it away from each other.

I find here in this sanctuary of laws, in this body charged with making the laws, the most interesting, the most important, and the most sacred thing in the Republic of Mexico. I am not unmindful of the difficulties which confront you, gentlemen of the Chamber of Deputies, in the task that you perform for your country. The discussion of public questions, the reconciliation of differing opinions, the adjustment of different local interests from all over this vast country, the reaching of just conclusions, the compromises necessary so often for different interests, present to the members of a legislative body of a republic difficulties little understood by the people at large and requiring for their solution the highest order of ability, self-denial, and love of country. I beg you to take my testimony, coming from another land long engaged in grappling with the same kind of difficulties; I beg you to take my testimony that the troubles for your country in legislating for your country, and which you are to encounter in the future, are not peculiar to your country, to your race, to your institutions, to your customs. They inhere in the task that is before every legislative body representing the vastly differing interests, opinions, sentiments, and desires of a people.

Mr. President and gentlemen of the Chamber of Deputies, it is my sincere desire and the desire of my countrymen that in the performance of this task for the Republic of Mexico you may be guided in wisdom and in peace. May you possess that self-restraint which is so necessary to the preservation and security for property, for enterprise, and for life, guarding you always from unwise extremes, leading you always to test every question of legislation by sound principles accorded by history. May you always, and every one of you, be so inspired by love of country, so that you may be able to sink all personal ambitions and interests to do only that which is for the benefit of your country; so that through your actions and inspired by your example the spirit of nationality which I see growing among the people of Mexico may continue to increase until it is the living and controlling spirit of all the people from the Gulf to the Pacific. May you have in your deliberations and your action something of the self-sacrificing spirit of the humble priest, Hidalgo, which, without ambition on his part, with no other motive but the love of his country upon his part, has written his name among the great benefactors of humanity. May you have something of the patriotism and genius of Benito Juarez, which enabled him with his strong hand to take Mexico out of the conditions of warring factions when individual ambition rose above the love of country. May you have something of that constancy and high courage which has made the soldier and the statesman who now sits in the chair of the chief magistrate of Mexico a place in the history above scores and hundreds of emperors and kings with high sounding title and no record in life but the desire for personal advancement.

And so, members of the Chamber of Deputies—may I say, my friends—brothers in the work of seeking by law to advance the peace and prosperity of mankind; to bring in the rule of justice, of ordered liberty, of peace, of happy homes, of opportunity for children to rise, of opportunity for old age to pass its days in peace. My brother workers in the cause of popular govern-

ment, of human rights and human happiness, I thank you for the opportunity to say, "God bless you in your labors," which will always have my sympathy and the sympathy of my people.

Speech of Gen. C. H. M. y Agramonte.

[Luncheon given by the American colony at the Mexican Country Club, October 4, 1907.]

As chairman of a committee of the American colony, the pleasant duty devolves upon me to welcome, in behalf of the colony, an illustrious countryman, and a prominent member of the official family of the President of the United States—the Secretary of State.

The opportunity has been afforded us through one of the many acts of exquisite courtesy for which the Government of Mexico is noted in its intercourse with those of us from north of the Rio Bravo, and to which unflinching courtesy we can all bear witness.

For the kindly spirit that actuated the Mexican Government in breaking in upon the official programme for the entertainment of its guest—our countryman—and placing him in our hands for this occasion, I believe that we are extremely grateful. For the graceful act of the Mexico Country Club in permitting us the use of this magnificent building in which to entertain our guest there is no lack of appreciation.

As Americans, knowing our own people and our own country as we do, and keenly alive to everything that may obtain for its weal or its woe, our very absence from it making our hearts grow fonder of it, the joy we feel in welcoming one who has held the bright banner of our country full high advanced, is greater than any words of mine can express.

We love our country; we love it as the blessed consummation of human hopes. The world has been full of sorrow. The tearful eyes of humanity have never been dry; but in this western world, on this new continent, stretching from ocean to ocean, in the maturity of the ages has come forth a nation whose institutions and example shall aid in lifting the nations of the world into the sunlight of God's glorious liberty.

We have no king, no royal family upon which can be centered the loyal emotions of a great people. To us the only representative of the whole people is the glorious blue, "thick sprinkled" with stars and striped with vivid red and white.

You, sir, have held aloft that banner. You have added to the glory of our country.

On the sacred field of Gettysburg, ground consecrated by torrents of American blood, Abraham Lincoln, President of the United States, gave to us a classic which will live while our country exists. You, sir, in your exposition of the attitude of the United States toward other countries, have enunciated a classic that also will live and be a bond of friendship between us and all the nations of this hemisphere.

Gentlemen, I will read to you that classic:

"We wish no other victories than those of peace, no more territory than ours, no other sovereignty except that we have over ourselves.

"We consider the independence and the rights of the smallest and weakest members of the family of nations entitled to a respect equal to the respect that we have for the greatest empires; and we think that the observance of this respect of the interests of the weak is the main guaranty against the oppression of the stronger.

"We neither claim nor want any right, privilege, or faculty which we are not ready to accord freely to all the American republics.

"We want to be greater, more prosperous, to extend our commerce and develop our wealth, our wisdom, and our energy; but our conception of the way to obtain that is not to knock down the others and take profit from their ruin, but to help our friends to obtain a common prosperity and a common development, so that we altogether become greater and stronger."

With such dignified sentiments resounding in our ears, have we not reason to be proud of our guests?

And now, sir, in the name of the American colony of Mexico, I bid you welcome. Yes, thrice welcome! May every choice blessing attend upon you and those you hold dear.

Mr. Root's reply.

MR. CHAIRMAN, FELLOW-AMERICANS: It is a long way from the Bowery [applause], but I feel quite at home. [Applause.] It is delightful to feel that my country is illustrated in this land of beauty by so many handsome and cheerful-looking men; it is delightful to see the evidences of prosperity in, I think, every American here, and it is delightful to see that that subtle, indefinable quickening of spirit that comes from separation has given each of you, an exile in a foreign land, a new significance in every star and stripe and every reference to the old flag and the old home.

Your welcome is very grateful to me; your kind expressions I most heartily reciprocate. I do not wish to return evil for good by preaching, but it occurs to me that you have—I will not say that you have left your country for your country's good—you have not abandoned your opportunities to serve her; you have rather reached the position where you have new opportunities for service as American citizens. One serious fault which formerly existed to a very great extent among Americans, and which has been growing less, was a certain provincial and narrow way of looking at foreigners. There was a good deal of truth underlying the observations and characterizations of Mr. Dickens which made our people so angry sixty or seventy years ago. One of our American humorists refers to the people of a western mining camp as looking upon a newcomer with the idea that he had the defective moral quality of being a foreigner. Now the residuum of that old feeling stands in the way of American trade and American intercourse generally with other nations. No one can do more to advance the disappearance of that attitude than you who have experienced the friendship and kindness of the people of this foreign country; you who have learned by your personal experience how many and how noble are the characteristics of this foreign people; you who have been able to see how much we Americans may well learn from them, you can, each one of you, be a teacher of your countrymen in your continued intercourse with your homes and your home associates in the gospel of courtesy and kindness toward all mankind. [Applause.]

There is one other thought that comes naturally to my mind. You not only have not abandoned your duties toward your country by coming to this foreign land, but you have acquired new duties toward the community and the nation which has given you welcome and shelter and prosperity. [Applause.] There is underlying all the materialism and the hard practical sense of the American people regulating its own Government for its own interests—there is underlying that a certain idealism which carries a conception of a missionary calling to spread through the length and breadth of the world the blessing of justice and liberty and of the institutions which we believe make for human happiness and human progress. That mission is to be fulfilled, not by making speeches and the giving of advice, the writing of books, or even the publication of newspapers; it can best be fulfilled by personal influence and intercourse of men one with another. No American who is in a foreign land can help representing his country; its honor and its good name rest upon each one of us the moment we cross the border. You not only represent your country, but you have a duty to perform toward the country in which you live, giving to her and to her people through your efforts and all your association the best contribution that your training as American citizens, that the traditions of centuries of American life enable you to give, toward the maintenance of law and order, toward the promotion of all ideas that you have been taught in your youth to consider sacred, toward holding up the hands of authority, toward the inculcation of the sentiment of loyalty, toward the perpetuity of the Government which gives you security for your lives and your property in your new home. [Applause.]

I have one prominent thought in meeting you to-day; it is, while you continue to be good, loyal American citizens, you should be good and loyal Mexican residents. I can no better voice the sentiment of all of my countrymen here I know, and I can no better represent the feelings of our friends who remain at home, than by asking you to rise and join me in drinking to the long continuance of life, strength, and usefulness for the man who, more than any other, or all others, has given you the opportunities that you now enjoy, President Porfirio Diaz. [Applause.]

Speech of Governor Gullermo de Landa, October 5, 1907.

I am proud, although it is a surprise to me, to respond to the toast to our President. Last night you paid such a high compliment to our President that you gained the hearts of all of us.

It is rather difficult for me to make a toast to the President. I have as a Mexican the greatest admiration for him, and as a man I have the honor to be one of his most devoted and closest friends. You know, just as well as we Mexicans do, because many of you have resided in Mexico many years, the work that General Diaz has done for this country, and I will limit myself to a reference to some of the incidents of his life during his early military career. In 1857 General Diaz was military commandant in the city of Tehuantepec—that is to say, fifty years ago—and an American warship was lying in the harbor very close to the present harbor of Salina Cruz. The general was invited by the captain of the vessel to take lunch on board the ship, and he responded to that compliment by inviting the officers and crew of the vessel to a banquet in the city of Tehuantepec.

One of the officers made the remark to the mayor of the city that it was remarkable for so young a man to be a military officer and to be promoted so rapidly. General Diaz was very young in those days. The mayor, in answer to that, said: "It is true he is very young, but he has already served his country; he has already shed his blood, he carries a bullet in one of his sides; he was wounded in one of the last battles of the revolution." Then the captain of the vessel said to General Diaz: "We have a very skillful surgeon on board; would you like to have that bullet extracted?" General Diaz objected because he thought it would keep him in bed for several days, and he was obliged to be always on horseback, ready to fight the enemy. [Applause.]

Finally he decided to have the bullet extracted, and the ability of that surgeon probably saved the life of our President, and it was probably due to the skill of an American surgeon that we have now in Mexico at the head of this nation a man who is the best friend of your country, who admires President Roosevelt, and who has done for Mexico what Mexico is as a nation. [Applause.]

Now, it was fortunate that in those days an American war ship should have been at this place, and that an American surgeon should have extracted that bullet, and, as I told you before, probably it was because of the ability of the American surgeon who saved the life of the President that we now have the one we all admire and love.

I have the honor to propose the health of your President, Mr. Roosevelt.

Response of Ambassador Thompson.

It is said that silence is golden, and so it is; and this saying should be especially applicable on the present occasion when my chief has all the privileges. Perhaps, however, it may not be inappropriate here for me to speak briefly of the unfolding of the national life of Mexico and of the American in Mexico.

It is now past thirty-one years since my first visit to this country, and during practically all of these thirty-one years the destinies of Mexico have been guided by the illustrious Diaz. Thirty-one years ago conditions in Mexico were such that in few places could a man be reasonably sure of his life if there was the slightest cause for it to be taken. At that time the country was filled with banditti, and the earth was the depository of practically all of the wealth it was possible to put out of sight. The land had been rent with wars for generations, and little thought was given by the masses to anything other than unfriendly strife of one character or another. There was not in the Republic, outside of the City of Mexico, anything which could legitimately have been called bank, and in this place little could have been said to their praise. To-day there are in the City of Mexico three of the great banking institutions of the world, and many smaller ones, although just as respectable and responsible, and in every State of the Republic there are strong banks, making the banking facilities of the country practically the same as those of our own. The banditti have for years been unknown in Mexico.

The national finances of Mexico in 1876 were at the lowest conceivable ebb, and even at the late date of 1902 the total revenue of the Republic was only \$66,147,048, while the revenue for the fiscal year just closed was \$113,000,000, leaving a surplus of near \$20,000,000 beyond all national requirements. And notwithstanding this, during the past two years material reductions have been made in the taxes paid direct by the people.

The advent of Diaz came as a rising sun after the darkest of nights. The more than thirty years since 1876 have brought revolution after revolution in Mexico, but not revolutions of the old kind. The revolutions of the past

thirty years have been those of mind and of commercial industry. During practically all of these thirty years practical peace has reigned supreme, and to-day there is no country on earth where greater harmony exists.

Industrially the advances in Mexico during the time of Diaz, and especially during the past ten years, have been the marvel of the world. Thirty years ago there was little known of the railway in Mexico, the line from Veracruz to the City of Mexico, comprising 263 miles, being all there was in the country at that time. To-day Mexico is reasonably well covered with this great civilizer; and the end is not yet, because railway projects and construction are to be found in every direction.

Agriculturally speaking, the changes have been as pronounced as the changes in railway conditions; and the mining industry of Mexico has reached a point where it practically occupies the attention of the world. Nearly every country on earth has more or less of mining; but during the past ten years no country on earth has shown such a vast development in this line of industry as has Mexico, and it is very certain that from a standpoint of possibilities we may say that only the smallest sort of a beginning has been made.

Thirty years ago there were practically no Americans in Mexico, and the few that were here, with now and then an exception, were here because they could not stay at home; and there was no American capital invested in the Republic. To-day what a different condition we find. There are in the Republic of Mexico something like 40,000 Americans, and the majority of them are honest and industrious people who would be a credit to any country. Their sphere of action covers practically every known occupation; and the amount of American money invested in Mexico is thought to be something like \$700,000,000.

Thirty years ago to-day had anyone suggested that the relationship between our country and Mexico would ever be what it is; that at this time Mexico would be showing such great good will toward our country, and that the secretary of the most important bureau of the our Government would be on a friendly mission, at the invitation of the Mexican President, the suggestion would have been met with the greatest scepticism. Had any American thirty years ago to-day suggested that Mexico at this time would have shown the greatest degree of progress of any country on the face of the earth, considering all conditions, the suggestion would have been met with ridicule.

That these changes have been brought about by the great force, ability as a constructor, and the tact of eGeneral Diaz no one can question. He has made it possible for all of us to live here in contentment and under prosperous conditions, and if anyone of us in any sense has failed the blame can not be placed at the door of the Mexican.

To-day Mr. Root is here on a mission of good will, in order that a still greater impetus may be given to the already extremely friendly relations existing between our country and Mexico, and that the American may be still further helped in his effort to do for himself in Mexico that which at this time it is difficult for him to do in his own country. I am sure that every thinking American will avail himself of the added heart beats that this visit has given to both Mexican and American to increase his sphere of usefulness to his individual self. Then, with much to thank Mr. Root for, let us drink to his health and happiness and long-continued usefulness.

Speech of Lic. Joaquin D. Casasus, in conferring upon Secretary Root the degree of honorary member of the Mexican Academy of Legislation and Jurisprudence.

The Mexican Academy of Legislation and Jurisprudence has intrusted me with the most gratifying task of expressing in its name its good wishes for your safe arrival in our midst, and of voicing the joy it experiences at being afforded the opportunity of publicly testifying to the high respect and esteem in which it holds the great statesman, the eminent juriconsult, and the illustrious orator who in his position as Secretary of State of the United States of America is now amongst us, the distinguished guest of the Mexican nation.

Had I taken into account solely my own merits, notably deficient, especially when measured by the side of those possessed by the other members composing our academy, I should have refused such a high distinction. I thought, however, I could discern in its resolution the marked purpose that its homage should reach your ears through the echoes of a friend's voice, and so be all the more welcome to you. With this reason, therefore, in mind, I did not hesi-

tate in accepting it. Nay, more; this has made me think once and again that the abundant proofs of your good will—for which I shall ever remain indebted to you—the very base and foundation of our friendship, were those which you earnestly desired to convey to Mexico in the person of him who was then its representative in Washington.

The Mexican people, from the very moment in which you set foot on its soil, and our Government from the time it tendered you the invitation that your visit to Latin America should have in Mexico its fitting end and crowning point, have proved to you, in abundant measure, by manifestations of every kind, that their earnest desire is that the ties which have for so many years bound us to your country, united by common interests and strengthened by common ideals, should every day grow closer and closer. They have also applauded the constant zeal shown by your Government in fostering relations more and more cordial with the Republics of America, so that, inspired by the same spirit and guided by the same policy, they should make this western continent of ours the arena of the peaceful struggle of human effort. Nor do we deny you the enthusiastic and universal praise of which your labor as Secretary of State of the United States of America is deserving, since the programme of your international policy, later incorporated by President Roosevelt into his last message to Congress, found a sympathizing echo in every Mexican heart; that programme which you made known to the world when, having the Pan-American conference for your tribune and the whole of America grouped around you for your auditorium, we were all welcomed on the hospitable soil of the noble and heroic Brazilian people.

Nevertheless, the Mexican Academy of Legislation and Jurisprudence, while recognizing your merits as a statesman, has desired to confine itself to honoring the lawyer who has brought fame and glory to the American bar, the jurisconsult who has won the unstinted admiration of all the nations ruled by democratic institutions, and the orator whose eloquence takes us back to the times of the Latins, be his voice resounding in the courts of justice or heard in the academies and universities, or pealing forth clear and inspired in the popular tribune.

You, honored sir, we regard as the perfect type of the lawyer who has known how to perform the sacred task commended to him by modern society. The lawyer is a priest whose duty it is, in the bitter battles of life waged by human conflicting interests, to fulfill a mission of peace and harmony. He is, in very deed, the champion of homes when persecuted by human cruelty; he who strengthens the bonds of love which maintain the family union untainted, when the depravity of customs threatens its downfall. In stretching out a helping hand to the toiler he is ever a master; in carrying out an equitable distribution of fortunes made, an adviser; in proclaiming the respect due to the law, an example, and an authority in maintaining its prestige in the social community. His knowledge should be an arsenal from which to arm the weak and a shield with which to protect the powerful; his voice should be beseeching in its pleading for pardon from society for those who by their crimes undermine its foundations, but inexorable in its demand when in the name of society he calls for punishment. To the poor who strive to defend the bread earned for their children, he is a stay; to the rich who worry over productive investments for their fortunes, a guide; and if, in the errors committed by both sides and which ever tend to separate them he should be equity, then to put an end to the struggles into which they will irreparably be drawn he must ever be justice itself.

And you have been all this in your exemplary life of lawyer; this is what has won for you the love of the poor, the confidence of the rich, and the respect of the whole of society; which has placed you in the forerank of the distinguished men of the American bar, from which only the pressing needs of serving the greater political interests of your country could draw you.

Your important labors as a statesman and jurisconsult do not call forth our admiration any the less.

The jurisconsult of our days is not only he who in the Roman Forum *ex solio tanquam ex tripode* solved the conflicts which arose from the applying of the law; because now the part taken by the people in governmental affairs and the ever-increasing necessities of democratic life have widened his sphere of influence, and he has become to society what the lawyer has been to the individual and the family. The jurisconsult is a mentor of nations; in the midst of our eagerness to achieve greater prosperity and in our constant wrestle as citizens to form part of the public administration he it is who points out the path of

our social and political life, and has to dictate the laws which should conform to our customs as well as those which should be necessary to determine its evolution. He it is who, standing on the prow, with gaze fixed on the distant horizon, steers the ship through the paths which guide nations to the haven of greater prosperity.

And you belong to the assembly of juriconsults who are the glory and pride of the American Continent.

Still fresh in men's minds are the honors you reaped in the University of Yale with the course of lectures you delivered on the part to be taken by citizens in the government. Your lessons have taught what are the rights to be exercised by citizens in nations ruled by democratic institutions and what their duties in order that governments should be the true representatives of the people's will.

But again, the academy deems it but just to accord all honor to the great orator whose voice all America has been heeding with universal approval for more than a year; heeding, because that voice has ever been the expression of the lofty ideals which America has been pursuing from the earliest days of her freedom and independence.

Nor is your eloquence the fruit of meditation and study; it savors not, like that of Demosthenes, of the midnight oil. It is fresh and spontaneous, such as ought to be at the command of men ever ready to speak to the people of their rights and duties in democracies. It abounds always in that cold reasoning and that inflexible logic which alone can persuade and convince.

But your eloquence contains, besides, all the warmth, all the majesty, and all the sparkle of the Latin eloquence.

Plutarch relates, in his life of Cicero, that when the great orator thrilled the inhabitants of Rhodes with his speeches Apollonius Molon one day, after listening to him, showed no sign of admiration, but that when Cicero had finished he said: "Cicero, I, none the less than the others, praise and admire you; but I weep for the fate of Greece, for you have taken to Rome the best that was left to Greece—wisdom and eloquence."

We in Latin America, less selfish than Apollonius Molon, do not weep; rather do we cheer and reward the orator from whose lips we have heard resound the accents of the Latin eloquence.

The Mexican Academy of Legislation and Jurisprudence, on presenting you to-day with the diploma which confers upon you the decree of honorary member, has desired to make known to the whole country your undoubted merits as lawyer, juriconsult, and orator, and on this solemn occasion to bestow upon you its highest possible distinction.

Welcome to our midst. May your visit to Mexico be fruitful in good results to both countries; may it be, above all, one more tie to bind the sincere and unshaken friendship which unites them both; and, since it is the end of your triumphal journey to Latin America, may it add, in your great career as a statesman, fresh fame to your labor and glory to your illustrious name.

Mr. Root's reply.

I am highly appreciative of the very great honor which you have now conferred upon me. It is all the more grateful to me that in the ceremony which makes me an associate of this distinguished body so prominent a part should be taken by a gentleman who, as the representative of Mexico in the capital of the United States, has not only taught me to admire his rare intellectual ability, but has won from me, by the grace and purity of his character, the warmth of friendship which adds especial pleasure to every new association with him into which I can enter. I feel, sir, that the compliment which you have paid to this little work of mine, produced without any idea that it should receive so distinguished an honor or find its way so far from home, I must ascribe rather to friendship than to any intrinsic merit of the work; but I thank you, and I am most appreciative of the honor that you do me in causing it to be translated into Spanish and making it the subject of your resolution.

Circumstances have not permitted, and do not permit, that I should present to the academy any thesis or discussion adequate to be associated with the admirable and well-considered papers which have been read by Mr. Casasus and yourself. I wish, however, in addition to expressing my thanks, to indicate in a few words the special significance which this academy and my new association with it seem to me to have. We are passing, undoubtedly, into a new era of international communication. We have turned our backs upon the old days of armed invasion, and the people of every civilized country are constantly

engaged in the peaceable invasion of every other civilized country. The sciences, the literature, the customs, the lessons of experience, the skill, the spirit of every country, exercise an influence upon every other. In this peaceful interchange of the products of the intellect, in this constant passing to and from of the people of different countries of the civilized world, we find in each land a system of law peculiar to the country itself, and answering to what I believe to be a just description of all laws which regulates the relations of individuals to each other, in being a formulation of the custom of the civil community. These systems of law differ from each other as the conditions, the customs of each people differ from those of every other people. But there has arisen in recent years quite a new and distinct influence, producing legal enactment and furnishing occasion for legal development. That is the entrance into the minds of men of the comparatively new idea of individual freedom and individual equality. The idea that all men are born equal, that every man is entitled to his life, his liberty, and the pursuit of happiness; the great declarations of principle designed to give effect to the fundamental ideas of liberty and equality are not the outcome of conditions or customs of any particular people, but they are common to all mankind.

Before the jurists and lawyers of the world there lies the task of adapting each special system of municipal law to the enforcement of the general principles which have come into the life of mankind within so recent a time and which are cosmopolitan and world-wide and belong in no country especially. These principles have to be fitted to your laws in Mexico and our laws in the United States and to the French laws in France and the German laws in Germany, and the task before the jurists and lawyers of the world is to formulate, to elaborate, to secure the enactment and the enforcement of such practical provisions as to weld together in each land the old system of municipal law, which regulates the relations of individuals with each other in accordance with the time-honored traditions and customs of the race and country and these new principles of universal human freedom. [Great applause.] Now, that task is something that can not be accomplished except by scientific processes, by the study of comparative jurisprudence, by the application of minds of the highest order in the most painstaking and practical way. In the adaptation of these new ideas common to all free people, the best minds of every people should assist every other people and receive assistance from every other people. The study of comparative jurisprudence, apparently dry, purely scientific, is as important to the well-being of the citizen in the streets of Mexico or Washington as those scientific observations and calculations which seem to be purely abstract have proved to be to the mariner on the ocean or the engineer of the great works of construction which are of such practical value; and we ought to promote the existence of societies of this character in every civilized land and the free intercourse of intercommunication of such societies, the existence of such a spirit of comradeship between them that they can freely give and take the results of their labors, of their experience and their skill.

This is of immense practical importance in the administration of government and the progress of ordered liberty in the world, for, after all, the declaration of political principles is of no value unless laws are framed adequate to bring principles down to the practical use of every citizen, and the framing of such laws in every land is the work of the jurists of the land. It is because I may be associated with you in doing what little a lawyer can do toward helping to the accomplishment of this great beneficent and necessary work for civilization that I find the greatest pleasure in accepting your election as a member of this academy and find cause for gratification beyond the mere personal vanity or personal feeling.

Permit me to express the warmest good wishes for the continued activity, prosperity, and usefulness of this distinguished body which has so greatly honored me by this election. [Applause.]

Speech of Ambassador Thompson at banquet given by him in honor of Secretary Root, October 5, 1907.

Probably not before has there been such a gathering of distinguished men as are to-night seated at this table at the foot of the famous Castle Chapultepec. The honored Secretary of State of the American nation is here, the guest of the great Mexican Republic, with such honors showered upon him as should not and will not soon be forgotten by a most friendly and appreciative people nor by the immediate recipient of Mexico's greeting.

Personally I feel, I am sure, no less satisfaction than Mr. Root on this occasion, a dinner given by me in honor of the chiefs of the Mexican nation and other distinguished Mexicans, for the purpose of demonstrating as best I can my regard for them, not only because of the very great honor Mexico is doing my country and my chief, but in part for many kindly and friendly acts of the past. That the chiefs of staff of the Mexican President and many other high officials of nation and state have responded to an invitation with their presence on this occasion, thus further honoring my country, Mr. Root, and myself, calls for an expression of good will that I offer as a toast to Mexico and its illustrious President, General Diaz.

Response of Vice-President Corral to the toast of Ambassador Thompson.

MR. AMBASSADOR: I thank you on behalf of my colleagues^s of the Mexican cabinet and the officials, to whom this banquet has been dedicated, for the exquisite kindness with which you have honored us in giving to us a seat at your table.

I consider myself very fortunate to address such a distinguished gathering in these solemn moments, when the Mexican Republic offers its hospitality to the honorable Secretary of State of the United States, Mr. Elihu Root, one of the most eminent men of the world, both for his wisdom and his political works, as a defender of the rights of nations and as a courageous knight of American democracy and universal peace.

It is very satisfactory for Mexico to demonstrate her sympathy to a guest of such high merit, and I assure you, Mr. Ambassador, that his visit to this country will create new and stronger bonds of durable friendship between the two sister republics of North America, and will be a new element of the highest value for the mission of concord which you have accomplished with so great ability and which is a real cause of satisfaction to us.

I thank you once more for your good wishes for Mexico and the President of the Republic, and, in my turn, I have the honor to invite all present to raise our cups to the powerful nation, the United States, and to its great President, Theodore Roosevelt.

Following Vice-President Corral's response to Ambassador Thompson, Secretary Root spoke briefly expressing his appreciation of the warm reception accorded him and the interest and sympathy manifested in his mission to Mexico.

Speech of the Minister of Hacienda, José Yves Limantour.

You have come to this country with the assurance, often reiterated and always received with applause, of close and sincere fraternity between our two countries, the permanence of which is guaranteed by our common ideals and mutual respect.

Your mission challenges our warmest sympathy. Voices more authoritative than mine have informed you of this fact and the attitude of the Mexican people is its corroboration. You have been the apostle of a grand idea, the most vital, perhaps, of any affecting the international politics of this continent and assuredly the only one capable of harmonizing the interests and the hearts of all the inhabitants of the New World. That idea consists in laying down, as the invariable basis for the relations of the countries of America with one another, the sacred principles of justice and the territorial integrity of each one of them.

Such being the pledge which we have from your lips, and feeling confident that the immense majority of your countrymen indorse the declaration to that effect, made by you during your memorable journey of last year and during the journey that is now in progress, we welcome you as one welcomes a loyal and disinterested friend, without the mental reservation that one sometimes feels in clasping the hand of the great, and moved by the hope of thus contributing, in the best manner possible to us, toward the realization of an aim that is commended by a high and enlightened patriotism.

Mexico's course for the future is clearly marked out, at any rate as far as human foresight can safely reach. Her geographical situation and the conditions governing the international politics of America assure to her as long as the views which you have proclaimed, with a conviction so sincere, predominate in your own country, that tranquillity in her international rela-

tions, which she needs in order to devote herself to intellectual culture and to the development of her abundant and varied natural resources, while at the same time offering hospitality to all well-meaning persons who bring hither their contingent of industry and civilization. With a programme such as this it has been easy, and will be still easier in the future, to regulate our conduct toward you, the citizens of the great nation beyond the Rio Grande. You will always be welcome, and it is right and proper that useful and agreeable neighbors, who give proofs of their desire to be on good terms and to cooperate in all the works of progress, should be; and I believe that you are quite convinced that both out of interest and good will the Mexican people will offer you every facility that may enable you to take an active part in the social and economic development of this Republic.

It is far from my thoughts at the present moment to extol the virtues and the good qualities of my countrymen. I may be permitted, however, as minister of finance, to say a few words in regard to one or two economic facts that have an important bearing on business relations.

Mexico at the present time, as you well know, is not a country exclusively engaged in mining and farming, but also carries on an extensive commerce and possesses fairly prosperous manufacturing industries. There are many lines of activity demanding industry, intelligence, and capital, and there is an ample field for the utilization of all elements of that nature coming to us from abroad. But a point which all persons interested in Mexico's business affairs will do well in realizing is the honesty and prudent habits which characterize mercantile transactions in this country. "Booms" and "bluff" are exotic plants which can with difficulty be acclimatized here, and speculative combinations rarely enter into the calculations of the merchant.

A single example will suffice to illustrate the characteristics to which I am referring in that period of stress from 1892 to 1894, when the country, after suffering the loss of several harvests in succession and the ravages of a severe epidemic, was further tried by the sudden depreciation of silver, which in the course of a few months cut the gold value of our currency in half, everyone thought that the economic constitution of the nation would not be able to withstand the shocks so repeated and formidable; and yet we continued to meet our debts with religious punctuality, and it was noted with surprise that not a single failure of importance occurred in any part of the republic.

We may be charged with undue timidity, with slender experience in certain methods that are common elsewhere in the initiation of business undertakings. But these deficiencies and others which no doubt are ours will not debar us, let us hope, from being admitted to join the grand onward march of humanity, and particularly of that portion of the human family inhabiting the New World, toward higher conditions of physical and moral welfare.

It has been rightly maintained that the best basis for international politics is mutual expedience. You may tell your countrymen that Mexico is resolved to conduct her foreign policy along those lines, favoring your interests compatibly with her own, and that not content with adjusting her acts to the formula in question, she will gladly give her support to all plans for the encouragement of intellectual relations and the communion of mutual regard, without which, after all, the lives of nations, like the lives of individuals, become impregnated with an atmosphere of selfishness unpropitious to the highest aims of civilized communities.

In fine, gentlemen, let us raise our glasses to the health and happiness of our distinguished guest and his most estimable family. Let us drink to the hope that his countrymen, taking to heart the gospel which he has proclaimed throughout the length and breadth of America, may become the firmest guarantors of lasting peace between the two nations, consolidated by warmth of mutual regard and the continued growth of common interests.

Speech of Lic. Ignacio Mariscal, Minister of Foreign Affairs, at the banquet given by him in honor of Secretary Root, October 7, 1907.

Hon. Mr. Root: Your presence amongst us as our illustrious guest is an event which will leave a mark in the history of Mexico, for yours is not only the visit of a most distinguished American, but also of the best representative, without the usual credentials, of a great Government and a great people. The fact of its not aiming at any particular diplomatic business, except tightening

the bonds of friendship between our two countries, has made it the more important and congenial to all Mexicans. Some years ago we had here other prominent and representative Americans, such as General Grant and the Hon. William H. Seward, who came as friendly visitors wanting to know Mexico personally and be known by us. Their flying visits did a great deal of good to our official and popular relations, for they, besides great historical events, tended to a real sisterhood between the two republics of North America. Yours, sir, will complete that most important international work, since your high personality is eminently qualified, especially under the present circumstances, to increase the admiration and respect of all my thinking fellow-citizens toward the country of Washington, Lincoln, and General Grant.

We know, sir, as the whole world knows so well, the considerable part you have taken in the peace-promoting, civilizing foreign policy of President Roosevelt, and we fully appreciate your frequent, unequivocal demonstrations of amicable feeling to our Government and our people. For that reason you have been cordially welcomed by us as a friend coming among true friends. May your brief sojourn in this country leave you a souvenir as pleasant as the one it has already engraved in our memory and our hearts.

Trying to show you our sincere esteem and regard, I am going to propose a toast to your honor, not as a ceremonious courtesy, but as a really heart-felt sentiment:

“Brindemos, Señores, por nuestro ilustre huesped, el Honorable Señor Elihu Root.”

Mr. Root's reply.

YOUR EXCELLENCY, LADIES, AND GENTLEMEN: It is my happy fortune to reap where others have sown and enter into the fruits of others' labors. When Mr. Seward and General Grant visited Mexico, your people, sir, were little known to the people of the United States. The shadow of a war still recent in the memory of men hung over the relations that existed between the two countries, the shadow of a war which, thank Heaven, would now be impossible. The commanding personality of General Grant made his warm friendship for Mexico the beginning of a new era of feeling and appreciation on the part of the people of the United States, and now I come in response to the kind and hospitable invitation of your distinguished president, not to mark out the pathway to friendship, but as the representative of an existing feeling of friendship on the part of my countrymen.

I have been deeply appreciative of all the delicate courtesy, the warmth of friendship, and hospitality which have welcomed me and my family here. But I was not surprised. It is but in conformity with all the relations which have existed between the department of foreign affairs of Mexico and the department of foreign affairs of the United States since you, sir, have held your present eminent position.

I wish not merely to express grateful appreciation for the kindness I have received here, but to express the same sentiment for all that you have done and all you have been in the relations between the two countries. The unvarying courtesy, the genuine and sincere desire for the reasonable and friendly disposal of all questions that have arisen between the two countries which have characterized the office of foreign affairs of Mexico have been a great factor in bringing about the happy relations that now exist. And we may say, with gratification, that there are no questions between Mexico and the United States which can give the slightest apprehension or cause the slightest concern as to their easy and satisfactory adjustment.

Of course between two countries with so long a common boundary, whose citizens are passing to and fro, whose citizens are investing money, each in the country of the other, questions are continually arising, but the all-important element for the decision of every question, the good understanding, kindly feeling, and the habit of conducting relations upon the basis of reason and friendship, practically disposes of all questions which can arise beforehand.

I suppose it is impossible to read the history of any country without feeling that the mistakes in its history have been the result of a shortsighted, narrow view on the part of its statesmen, its rulers, its legislators, under the influence of the particular time of particular local conditions.

We can, all of us look back in the history of our own country and of other countries and see how we now, with a broader view and free from the prejudices of the hour, would settle questions and solve difficulties in a far more satisfactory way.

I suppose that the true object which should be held before every statesman is so to deal with the question of the present that the spirit in which they are solved will commend itself to the generations of the future.

I think, sir, that the Government of Mexico has attained that high standard of statesmanship to an extraordinary degree. It certainly has done so in its relations with the Government of the United States, and as a result of the reasonable and kindly way in which we have been treating each other for these past years we behold not merely the fact that of your \$240,000,000 of foreign trade, two-thirds of your exports are purchased by the United States and two-thirds of your imports are purchased from the United States; not merely that of your vast exports to the United States, notwithstanding our high protective policy, nine-tenths are free from all duty; not merely that \$700,000,000 of capital of the United States has been invested in your thriving and progressive enterprises, so that now, while for three centuries and a half the people of Mexico were hiding their wealth under the ground to keep it from being taken away from them, for a quarter of a century you have been taking out from under the ground a wealth far surpassing any dreams of avarice in the days of old. More than all that, there has grown up and is continually developing between the people of the two countries a knowledge of each other, an appreciation of each other, a kindly feeling toward each other which makes for the perpetuity of good government in both countries and for the development of all the finer and better parts of citizenship in both countries, which will help both of us to advance along the pathway of progress, which will make every school in Mexico in which the future government and rulers of this vast land are being trained a better school, and make every school in the United States a better school; which will make every officer conscious of being one of a community of nations, conscious of having in his charge the good name of the country which is known to the people of the whole continent, a better officer than he would be if he were responsible only to his narrow community. As the result of these kindly relations we see two happy, progressive, prosperous nations; and, sir, it is my sincere hope that following the footsteps of the great Americans you have named, through your kindness and hospitality I may be able to add my little contribution toward this great work of national benefit and of international advancement to the cause of liberty, justice, and humanity.

Toast by Mr. Mariscal.

The pleasant visit of his excellency the American Secretary of State very naturally reminds us of the Chief Magistrate in the great neighboring Republic; and when alluding to President Roosevelt, who can ignore his prominent services rendered to all civilized nations by promoting peace among belligerents and the best means to prevent bloody and useless wars? His generous mediation has succeeded so far in Europe and Asia between Russia and Japan as well as in this New World among the conflicting States of Central America. This would be a sufficient reason for us to admire and respect that remarkable statesman; but we have another motive affecting more our country, the many evidences he has given of good will toward Mexico, and especially to our beloved President Diaz. I feel, then, happy, ladies and gentlemen, to propose a toast in honor of President Roosevelt, and I beg the worthy American ambassador to respond to it:

“Señores, por el elustre Presidente de la Gran República vecina, Señor Teodoro Roosevelt.”

Reply of Mr. Thompson.

A toast offered by you, Mr. Minister, to President Roosevelt is a toast not only to the American President, but to the American people for whom he stands, and, for that matter, all humanity.

Probably the world never knew, never will know, a chief of a nation whose daily official life was, or could be, more of an effort to stand close to the line of equity than that of President Roosevelt. How well he has succeeded, and is succeeding, the world knows. His unwritten but well-understood motto is “Justice to all,” no matter how weak or how strong. While for him the tongue sometimes condemns, the heart must always commend. Could man for himself wish more?

That you should offer a toast to this honored man tells more plainly than other words could do the sentiments of your illustrious chief, the truly great Mexican President, yourself, and the Mexican people, for your great friend of the North, the American nation. I thank you for all your toast implies.

Farewell speech of Mr. Root.

This is the last opportunity I shall have to express to you my gratitude and keen appreciation for my family and myself for all your very great kindness to us during our visit to Mexico.

I came here with my mind filled by the idea of two countries, the United States of America and the United Mexican States, rather an abstract and cold conception. Gradually there has merged through the sea of faces that I have looked upon on entering Mexico, one by one, a group of lovely women and of fine and noble gentlemen, and beside the conception of two countries becoming more and more friendly to each other there has come a realization that I have gained new friends—a most grateful and most delightful thing. I shall never forget you, my friends; I shall never forget your courtesy and your kindness, and I know I can say the same for Mrs. Root, and I beg to offer as a toast to the personnel of the administration of President Diaz, a personnel which is more delightful and will be met with more pleasure than it was possible for me to conceive before coming here, and as I leave you I shall feel that with my limited Spanish, which consists of not more than a half a dozen words, I have however, the most valuable words in the language in being able to say: "Hasta Luego."

Response for Señor Corral.

SIR: Since you have set foot on our soil we have had occasion to observe the high and well merited opinion which you entertain of our president, General Porfirio Diaz, and of his splendid and statesmanlike achievements, and if to this be added your own well-known merits, your lofty character, and the sagacious, yet kindly, notice which you have taken of all that you have seen, no wonder that you have won, not our admiration, not our respect, not our good will, for all these were yours already, but something more intimate, something that dwells deeper in the recesses of the heart—our affection.

Henceforth, sir, in addition to your high claims as an illustrious statesman and wise administrator, you have for us the endearing title of friend, a friend who appreciates us with fairness, who will rejoice at our future triumphs in the arena of progress, who will lament our misfortunes, who will applaud our victories and will encourage us in our discomfiture.

For some time past, especially since you undertook the noble task of proclaiming justice and righteousness as the basis for the relations of the republics of America with one another, we have known you and have followed with the liveliest interest your glorious career, of which the goal is the promotion of ideals of human fraternity. We have admired you, we have applauded you as one applauds the eloquence of wise and good men. But henceforth a current of profound sympathy will flow between you and us, and our admiration and applause will reach you quickened by the vibrations of our enthusiasm.

Soon you will return to your own country, that splendid country where everything is great from the cataclysms of nature to the manifestations of freedom. Our most fervent desire is that you may take away an impression of Mexico and of her people as agreeable and affectionate as that which you leave behind, and that, in justice toward us, you will tell those among your countrymen who do not yet know us that ours is a civilized nation, working out its greater welfare, educating itself intellectually, living and desiring to remain in peace with itself and in peace with all who respect its rights, and which, in a word, is living up to its mission as a free and honorable community. Tell your President that in Mexico we appreciate and applaud his great and noble efforts in behalf of his country and in behalf of the peace of other nations, and that when his name is pronounced by us, it is pronounced with expressions of respect and homage for his good qualities.

Receive, sir, these words, which are the expression of sentiments that are sincere, as a new demonstration to yourself and to your distinguished family of our feelings of esteem and our desire for your happiness.

Speech of Governor Ahumada at Guadalajara, October 14, 1907.

MR. SECRETARY: Although our President, Gen. Porfirio Diaz, with the high international representation awarded him by our institutions, and by the personal adhesion of all federal and state authorities, as well as by the love of the Mexican people in general, has already given a cordial welcome in the name of all of us, allow me, in the name of the State which I govern, to express to you the kind feelings of sympathy which exist in all hearts beating within this important section of our country. Jalisco, Mr. Secretary, has always been a land that loves all that is great and useful for the country, and as during the time when we fought for independence and liberty it did not spare its sons, in the same way we want to join our voice to the voice of the people that from the bravo to the usumacinta praise and bless you, to take our share in the work for peace which you initiated during the third Pan-American conference in Rio de Janeiro, which you continued by your visit to the main republics of South America, and which you are carrying to an end now by tokens of friendship which you are giving to Mexico and the people of the State of Jalisco. The people of this State believe that the best way to take part in this labor is to tell you through me: "Welcome be the noble emissary who, like the dove of the ark, brings the symbolic olive branch which announces that clouds have been dissipated and the sun of friendship among the towns of the new continent is rising."

We should have been pleased to have you among us a longer time, to give you and the dear beings who accompany you better tokens of our esteem and to show you the high appreciation that we feel for the people of the United States and her great ruler, President Roosevelt. But inasmuch as this is impossible, owing to your important and urgent labors, which compel you to stay but a few hours among us, allow me, Mr. Secretary, to state that if our demonstrations of friendship are short, they are made in the land of traditional frankness and true friendship.

Let us drink, ladies and gentlemen, to the health of his excellency, Mr. Root, his distinguished wife, and his "simpatica" daughter, and wishing for all of them all kinds of happiness, let us prove that we have shaken their hands in the spirit that sons of Jalisco shake hands—our heart is our hand.

Mr. Root's reply.

GOVERNOR AHUMADA AND GENTLEMEN: I thank you very heartily for your kind words, for your flattering description of myself, and for the spirit of friendship for my country which you exhibit. I am highly appreciative of all the hospitality, the warm welcome, and the graceful and most agreeable entertainment which you and your people of Guadalajara and of the State of Jalisco have given to my family and to myself.

I think it is perhaps fitting that I should make the last serious and extended visit of all which I have been making in Mexico to the city of Guadalajara. The most striking feature of Mexican life to a stranger is that rare combination of history and progress which one finds. The two eras of history, the Spanish, and before that the Indian civilization, which has to so great an extent passed away, and beside that the modern development, the spirit of modern enterprise, the active progress of mining and agriculture and manufactures, the stimulus of sound finance, and the general determination of the people to take rank with the great productive nations of the earth, nowhere have I found that combination more marked and distinct than I see it here in Guadalajara. As I said to you a short time ago, your excellency, the things that impressed me most on entering this city were, first, that it was clean; secondly, that there were many nice-looking people; thirdly, that it was cheerful; and, fourthly, that it had many beautiful buildings. I can add to that a fifth, that it is bright with the rainbow of hope for the fruits in all its many enterprises.

This may be the last time that I stand upon my feet to speak to any audience in Mexico before my departure for my own country, and there are two things that I wish to say; one is, that nothing could have been more generous, more tactful, and more grateful to us than the hospitality and friendship which my family and myself have received during the entire time since we crossed the border at Laredo. We are grateful for it, we are deeply appreciative of it. The other thing that I wish to say is that I have all the time since I came to Mexico been thinking about the question of permanence of your new prosperity.

I go back to my home encouraged and cheered by having found, as I believe, evidence, substantial evidence, that the new prosperity of Mexico is not evanescent, and temporary, but is permanent. I do not believe that Mexicans will ever again return to the disorder of the condition which characterized the first sixty years of her independence. I believe that during this long period of peace and order which has been secured for your people by your great, wise, strong President Diaz, there has grown up a new spirit among Mexicans and a new appreciation of individual duty to civilization in the maintenance of peace and order.

So, I go back, not only charmed with the beauty of your country, not only delighted with the opportunity to see the wonderful historic monuments you possess, not only delighted with the hospitality of your homes and charmed with the character of your people, but I go back with the feeling that the Mexican people have joined forever the ranks of the great, orderly, self-controlled, self-governing republics of the world.

MOROCCO.

PROTECTION OF PATENTS IN MOROCCO.

AGREEMENT BETWEEN THE UNITED STATES AND GREAT BRITAIN EFFECTED
BY EXCHANGE OF NOTES.

File No. 4968/-2.

Minister Gummeré to the Secretary of State.

No. 168.]

AMERICAN LEGATION,
Tangier, February 16, 1907.

SIR: I have the honor to report that I have received from the British minister at Tangier a letter^a suggesting the utility of the extension by our respective consular authorities at Morocco to patents of invention the same protection which is now accorded to trade-marks. To this end he informs me that "protection will be accorded by the British consular tribunals in Morocco to American patents of invention which have been duly registered in Great Britain in conformity with patents, designs, and trade-marks acts, 1883-1888," on condition that protection, under the same conditions, will be assured in Morocco by the American authorities to English patents of invention, and asks me to communicate to him my opinion on this subject. I have the honor to inclose herewith a translation of the said letter.

I replied to his excellency's letter informing him that I would submit to my Government his proposition regarding the extension to patents of invention the arrangement which is in force with respect to trade-marks and would inform him of the decision on the subject. I have the honor to inclose herewith a translation of my said reply.^a

May I beg that the department will instruct me as to their decision on this subject.

I am, etc.,

S. R. GUMMERÉ.

File No. 4968/3-4.

The Acting Secretary of State to Minister Gummeré.

No. 92.]

DEPARTMENT OF STATE,
Washington, April 9, 1907.

SIR: Referring to your dispatch No. 168, of February 16, 1907, transmitting correspondence with the British minister concerning the mutual protection of British and American patents in Morocco,

^a See inclosures 1 and 2 with Mr. Gummeré's dispatch of June 24, p. 874.

I inclose for your information a copy of a letter from the Secretary of the Interior, accompanied by a copy of one from the Commissioner of Patents, expressing approval of the agreement suggested.

You will make the exchange of notes necessary to effect the proposed arrangement.

I am, etc.,

ROBERT BACON.

[Inclosure.]

The Secretary of the Interior to the Secretary of State.

DEPARTMENT OF THE INTERIOR,
Washington, April 4, 1907.

SIR: Your letter of the 9th ultimo has been received, transmitting a copy of a dispatch from the American legation at Tangier, Morocco, suggesting the utility of the extension, by our respective consular authorities in Morocco, to English patents of invention of the same protection which is now accorded to trade-marks, on condition that the same protection will be assured by the British consular tribunals in Morocco to American patents of inventions which have been duly registered in Great Britain in conformity with "Patents, designs, and trade-mark acts, 1883-1888." You request to be furnished with an expression of views on the subject.

In response thereto I have the honor to transmit herewith a copy of a letter from the Commissioner of Patents, to whom the matter was referred, reporting that under existing law and by the terms of article 2 of the convention of Paris of March 20, 1883, the protection suggested has already been effectuated. However, he considers the arrangement proposed to be a desirable one, and recommends that the same be entered into, as the rights now possessed by American citizens would be rendered more clear, in which I concur.

Very respectfully,

JAMES RUDOLPH GARFIELD.

[Subinclosure.]

The Commissioner of Patents to the Secretary of the Interior.

UNITED STATES PATENT OFFICE,
Washington, April 3, 1907.

SIR: I have received by your reference of the 12th ultimo for consideration and report a letter of the Acting Secretary of State, dated March 9, transmitting correspondence between the American and British ministers at Tangier, Morocco, in regard to the protection of patents there, and requesting an expression of views in relation to this matter.

The letter of the American minister to the Secretary of State, dated February 16, reports receipt of a letter from the British minister at Tangier, suggesting the utility of the extension by our respective consular authorities in Morocco to patents of invention of the same protection which is now accorded to trade-marks, and he forwards copy of a letter from the British minister at Tangier, Gerard Lowther, dated February 4, 1907, in which the British minister informs him that "protection will be accorded by the British consular tribunals in Morocco to American patents of inventions which have been duly registered in Great Britain in conformity with 'Patents, designs, and trade-mark acts of 1883-1888,' on condition that protection under the same conditions will be assured in Morocco by the American authorities to English patents of invention."

The letter of the American minister, transmitting this proposition to our Department of State, asks for instructions in respect to this matter.

The effective and governing consideration here is the limitation among all American patents for inventions involved in the language "which have been duly registered in Great Britain in conformity with 'Patents, designs, and trade-mark acts, 1883-1888,' since such condition is required to be assured reciprocally by the American authorities to English patents of invention." It becomes important, then, to note the provisions of the British "Patents, designs, and

trade-marks acts, 1883-1888." By reference to Terrell on Patents, fourth edition, London, 1906, page 437, section 103, I find, under the heading "International and colonial arrangements," that—

"If Her Majesty is pleased to make any arrangement with the government or governments of any foreign state or states for mutual protection of inventions, designs, and trade-marks, or any of them, then any person who has applied for protection for any invention, design, or trade-mark in any such state shall be entitled to a patent for his invention, or to registration of his design or trade-mark (as the case may be) under this act, in priority to other applicants; and such patent or registration shall have the same date as the (date of protection obtained) date of the application in such foreign state.

"Provided that his application is made, in the case of a patent within (seven) twelve months, and in case of a design or trade-mark within four months, from his applying for protection in the foreign state with which the arrangement is in force."

The evident purpose of this statutory provision is to effectuate the terms of article 2 of the convention of Paris of March 20, 1883, which is as follows:

"The subjects or citizens of each of the contracting states shall, in all the other states of the union, as regards patents, industrial designs or models, trade-marks and trade names, enjoy the advantages that their respective laws now grant, or shall hereafter grant, to their own subjects or citizens.

"Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the formalities and conditions imposed on subjects or citizens by the internal legislation of each state."

To this convention of Paris both Great Britain and the United States are parties. The provision of our Revised Statutes by which the treaty of Paris is effectuated and intended to provide the equivalent legislation to that of the British patent act above mentioned is found in section 4887, which reads as follows:

"No person otherwise entitled thereto shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid by reason of its having been first patented or caused to be patented by the inventor or his legal representatives or assigns in a foreign country, unless the application for said foreign patent was filed more than twelve months, in cases within the provisions of section forty-eight hundred and eighty-six of the Revised Statutes, and four months in cases of designs, prior to the filing of the application in this country, in which case no patent shall be granted in this country.

"An application for patent for an invention or discovery or for a design filed in this country by any person who has previously regularly filed an application for a patent for the same invention, discovery, or design in a foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States shall have the same force and effect as the same application would have if filed in this country on the date on which the application for patent for the same invention, discovery, or design was first filed in such foreign country, provided the application in this country is filed within twelve months in cases within the provisions of section forty-eight hundred and eighty-six of the Revised Statutes, and within four months in cases of designs, from the earliest date on which any such foreign application was filed. But no patent shall be granted on an application for patent for an invention or discovery or a design which had been patented or described in a printed publication in this or any foreign country more than two years before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country for more than two years prior to such filing."

The two statutes mentioned, the British and the American, are the interior legislation intended to effectuate the provisions of article 2 of the convention of Paris, above quoted, and since such legislation became effective we find that the rights accorded to their own natives are accorded by the provisions of the statutes mentioned to the citizens of the other country, as between Great Britain and the United States.

It then becomes possible under this legislation of the two countries for the citizens of each to obtain in the other "by action taken within the times provided by the convention of Paris" patents covering inventions, so that if such rights are exercised we shall see American citizens taking out British patents and British subjects taking out American patents and being treated in this regard like natives in each country. Thereupon it is to be noted that the laws

of the United States create no distinction in the enjoyment of rights of patent after issuance, whether such right is in the hands of an alien or a native, and the British subject having done this stands clothed with power not to be distinguished by the law from that of an American citizen holding a corresponding American patent.

The present proposition, then, amounts simply to this, that the American inventor who has obtained a British patent may obtain for his British patent that protection in the British consular courts of Morocco which those same courts give to a British subject in the same case, and the suggestion is now made that the American consular courts in Morocco shall give to the British inventor who shall have obtained an American patent the same protection as is given to an American citizen.

Already, and without any convention upon this subject, we are bound, as I believe, by article 2 of the convention of Paris of March 20, 1883, to do this very thing, and therefore I have to advise that we already give the right which it is proposed now to give in explicit terms by the proposed convention. Nevertheless, since this comes in a roundabout way, by construction of the existing laws, I believe it would be well to effectuate this protection by an explicit convention, such as is here proposed, and I believe that the project is a good one and that the assent of the American Government should be given to the proposal made by the British minister above stated.

I see no new or considerable advantage accruing to the American citizen beyond that which he is already entitled to enjoy under the existing convention and statute, but such rights as he possesses would be by the proposed arrangement made more clear, and consequently I consider the arrangement to be a desirable one, and I accordingly recommend that such arrangement be made.

The papers received by your reference are returned herewith.

Very respectfully,

F. J. ALLEN.

File No. 4968/5-11.

Minister Gummeré to the Secretary of State.

AMERICAN LEGATION,
Tangier, June 24, 1907.

SIR: I have the honor to acknowledge the receipt of instruction No. 92, of April 9, 1907 (File No. 4968/3-4), directing me to make the exchange of notes necessary to effect the proposed arrangement for the mutual protection of British and American patents in Morocco.

I have the honor to report that in conformity with said instructions the necessary notes for said mutual protection of British and American patents in Morocco have been exchanged between the British minister and myself, and to inclose herewith translation of the several notes exchanged on the subject.

I am, etc.,

S. R. GUMMERÉ.

[Inclosure 1.—Translation.]

The British Minister to Minister Gummeré.

BRITISH LEGATION,
Tangier, February 4, 1907.

MR. MINISTER AND DEAR COLLEAGUE: Referring to the correspondence which has taken place between our two legations on the subject of the protection of trade-marks, I have the honor to suggest to you the utility of extending to patents of inventions the arrangement which is in force with respect to trade-marks.

To this end I have the honor to inform you that protection will be accorded by the British consular tribunals in Morocco to American patents of inventions which have been duly registered in Great Britain in conformity with "Patents,

designs, and trade-marks acts, 1883-1888," on condition that protection, under the same conditions, will be assured in Morocco by the American authorities to English patents of invention.

Begging you to have the kindness to communicate to me your opinion on this subject, accept, etc.,

GERARD LOWTHER.

[Inclosure 2—Translation.]

Minister Gummeré to the British Minister.

AMERICAN LEGATION,
Tangier, February 15, 1907.

MR. MINISTER AND DEAR COLLEAGUE: I have the honor to acknowledge the receipt of your letter of the 4th of February, 1907, in which, referring to the correspondence which has taken place between our two legations, on the subject of trade-marks, you set forth the utility of extending to patents of inventions the arrangement which is in force with respect to trade-marks.

To this end you inform me that protection will be accorded by the British consular tribunals in Morocco to American patents of invention which have been duly registered in Great Britain in conformity with "Patents, designs, and trade-marks acts, 1883-1888," on condition that protection under the same conditions will be assured in Morocco by the American authorities to English patents of invention.

I have the honor to inform your excellency that I have submitted to my Government your proposition regarding the extension to patents of invention the arrangement which is in force with respect to trade-marks, and will at once inform you of their decision on the subject.

With apologies for delay in sending my response, occasioned by my illness, accept, etc.,

S. R. GUMMERÉ.

[Inclosure 3—Translation.]

The British Minister to Minister Gummeré.

BRITISH LEGATION,
Tangier, February 16, 1907.

MR. MINISTER AND DEAR COLLEAGUE: I have the honor to acknowledge the receipt of your letter of the 15th instant, in reply to that which I have addressed to you the 4th of this month on the subject of the protection of patents of inventions in Morocco.

In thanking you for the prompt attention that you have given to the matter, I beg, etc.,

GERARD LOWTHER.

[Inclosure 4—Translation.]

Minister Gummeré to the British Minister.

AMERICAN LEGATION,
Tangier, April 29, 1907.

MR. MINISTER AND DEAR COLLEAGUE: Referring to our correspondence on the subject of the utility of extending to patents of invention the arrangement in force in Morocco between our two Governments regarding trade-marks, I have the honor to inform you that I have received instructions from my Government to the effect that protection by the consular courts of the United States in Morocco will be accorded to British patents of invention, duly registered in the United States, on condition that protection under the same conditions shall be assured in Morocco by the British authorities to American patents of invention.

Accept, etc.,

S. R. GUMMERÉ.

[Inclosure 5—Translation.]

*The British Minister to Minister Gummeré.*BRITISH LEGATION,
Tangier, June 20, 1907.

MR. MINISTER AND DEAR COLLEAGUE: In reply to your letter of April 29, I have the honor to inform you that I am authorized by my Government to declare to you that protection will be accorded by the British consular tribunals in Morocco to the patents of inventions of the United States of America which have been duly registered in England in conformity with the "Patents, designs, and trade-marks acts, 1883 to 1902," and that I am prepared to give instructions to that effect to the British consular officers, to the end that the accord shall enter into force immediately. May I hope that your excellency will give similar instructions to the consular officials of the United States of America?

I take this occasion, etc.,

GERALD LOWTHER.

[Inclosure 6—Translation.]

*Minister Gummeré to the British Minister.*AMERICAN LEGATION,
Tangier, June 24, 1907.

MR. MINISTER AND DEAR COLLEAGUE: I have the honor to acknowledge the receipt of your letter of the 20th of June informing me that you are authorized by your Government to declare that protection will be accorded by the British consular tribunals in Morocco to patents of invention of the United States of America which have been duly registered in England in conformity with the "Patents, designs, and trade-marks acts, 1883 to 1902," and that you are ready to give instructions to that effect to the British consular officials, to the end that the accord shall be put in force at once.

I have the honor to inform your excellency that I am also authorized by my Government to declare to you that protection will be accorded by the American consular tribunals in Morocco to patents of invention duly registered in the United States, and that I will give instructions to that effect to the American consular officials, to the end that the accord shall be entered into at once.

Pray accept, etc.,

S. R. GUMMERÉ.

**KAID MACLEAN, A BRITISH OFFICER, HELD PRISONER BY
RAISULI.**

File No. 7431.

Minister Gummeré to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Tangier, July 3, 1907.

(States that the British minister confirms that Kaid Maclean, the British officer in the employ of the Sultan who has been negotiating with Raisuli, has been seized by the latter and is being held prisoner.)

File No. 7431/1.

*Minister Gummeré to the Secretary of State.*AMERICAN LEGATION,
Tangier, July 5, 1907.

SIR: I have the honor to confirm my telegram to the department of July 3, 1907, as follows:^a

In confirmation of the said telegram I would report as follows:

Some five weeks ago Kaid Sir Harry Maclean, an English officer who has been for many years in the Sultan's service, and that of his

^a Not printed.

father before him, left Tangier, where he had been for some time, with the minister of war, for El Kzar, a town some two days from Tangier, and where he entered into negotiations with the celebrated Raisuli with regard to the latter's submission and ultimate pardon. He had several interviews with Raisuli, but it was reported that his demands were absurd, including as they did the rebuilding of his village of Zeenat, which had been destroyed, and his reestablishment in his governorship, from which he had just been deposed. Kaid Maclean proceeded to the Court at Fez and reported the terms demanded by Raisuli, and immediately orders were dispatched by the Sultan to the minister of war, to proceed against Raisuli with all the force he could procure and take him at all costs. When Raisuli heard of these orders he sent a courier to Kaid Maclean at Fez to say that he withdrew all his demands and would proceed to Fez at once to obtain the pardon, which had been promised to him without condition on his part. Orders were at once sent to the minister of war not to proceed against him, and Kaid Maclean was sent down from Fez to El Kzar to conclude negotiations and dispatch Raisuli to Fez. When he reached there he had several interviews with Raisuli and apparently everything was satisfactorily concluded. It appears, however, that some relative of Raisuli, who was at Fez, sent him word not to trust the Government's promises, as treachery was intended toward him, whereupon Raisuli sent word to Kaid Maclean that he was all ready to proceed to Fez and wished a final interview with him, to which Maclean assented, and proceeded to the designated place. After a seemingly satisfactory meeting, Raisuli gave him a pressing invitation to go with him to his camp and see his preparations for departure, which Maclean accepted, sending word to the commander of the troops at El Kzar of his so doing; after proceeding some distance, when going through a narrow gorge, they were surrounded by a large body of armed men and Raisuli informed Maclean that he was his prisoner and took him to his camp in the mountains, some little distance from the place where he had held Mr. Perdicaris. Kaid Maclean was permitted to send a messenger to El Kzar announcing his capture. On the morning of July 2 I received a letter from Sid Thamy Slawe, American protégé, who lives at El Kzar, in whom I have great confidence, informing me of the visit of Maclean to Raisuli's camp and stating that the place was much excited over it and feared treachery on the part of Raisuli. The next day, July 3, a courier to the minister of war arrived announcing Kaid Maclean's capture, and when I heard of it, as he is British subject, I at once sent to the British minister, Sir Gerard Lowther, to ask if it were true, and received a message from him confirming the report, and I then telegraphed to the department. Since that I have learned the details, as reported above, which I believe to be true. It is reported that Raisuli's demands before liberating Kaid Maclean are as follows:

1. The rebuilding of his house and village at Zeenat.
2. The governorship of the Fahs district and the environs of Tangier (his former governorship) from which he was deposed at the demand of the foreign representatives.
3. One hundred thousand dollars.
4. The withdrawal of the troops and of the minister of war from Tangier.

The department will see that these terms are very similar to those demanded by and granted to Raisuli for the liberation of Mr. Perdicaris, viz:

1. The government of the Fahs district and environs of Tangier.
2. The dismissal of the governor of Tangier.
3. The withdrawal of the troops from Tangier.
4. One hundred thousand dollars.

It is very much to be regretted that the measures for the capture of Raisuli were not more energetically carried out, as it is difficult to see what the capture of Kaid Maclean may lead to. The effect upon the Moors will be very bad. I do not see how it would be possible to permit Raisuli to assume the governorship of this province again; certainly none of the Christian population would be safe, especially if the troops were withdrawn; the long-talked-of police still seem to be in the far distance. I shall also await with interest the action which will doubtless be taken in the matter by some of the powers. Further details will be reported to the department when obtained.

I am, etc.,

S. R. GUMMERÉ.

File No. 7431/4.

Minister Gummeré to the Secretary of State.

No. 246.]

AMERICAN LEGATION,
Tangier, August 7, 1907.

SIR: I have the honor to report that Sir Gerard Lowther, the British minister, informs me that he has received two letters from Kaid Sir Harry Maclean, who is held captive by Raisuli, in which he reports that he is in good health, although he has been through some trying experiences, Raisuli, on the approach of the Mhallas, having taken him farther into the mountains, but after some five days' wandering, returned him to the place where he had been held for the greater part of the time. Sir Gerard also informed me that Kaid Maclean reports that Raisuli's terms are very much moderated and that virtually all that he demands for his release is that he shall be given British protection, so that he may live, for the future, in peace and quiet with his family. These terms, Sir Gerard reports, he has communicated to his Government, with a recommendation that they be granted.

I am, etc.,

S. R. GUMMERÉ.

File 7431/5.

Chargé Philip to the Secretary of State.

[Extract.]

No. 294.]

AMERICAN LEGATION,
Tangier, December 7, 1907.

SIR: I have the honor to report that arrangements for the release of Kaid Maclean are now considered by the British legation here as having been satisfactorily concluded.

Raisuli has lately signified his acceptance of the conditions as last formulated; the Sultan has also given his formal consent to the same,

and the British Government, through whose instrumentality the negotiations have been chiefly carried forward, is also in accord therewith.

The conditions of the release are as follows, viz:

1. Payment of £20,000 ransom, £5,000 of which is to be paid on the release of Kaid Maclean; the remainder (£15,000) to be held by the British legation, and to be paid to Raisuli within a period of three years. (Installments of £50 per month having been suggested).

2. The British Government to grant full British protection to Raisuli and 18 of his relatives.

3. The Moorish government to release from prison 29 friends and partisans of Raisuli.

I beg to state that it is confidentially expected here that the final arrangements will be completed at an early date, and that Kaid Maclean will be released within a fortnight.

I am, etc.,

HOFFMAN PHILIP.

File No. 7431/6.

Minister Gummeré to the Secretary of State.

AMERICAN LEGATION,
Tangier, February 7, 1908.

SIR: I have the honor to confirm that part of my telegram of February 7, 1908,^a regarding the release of Kaid Sir Harry Maclean and his arrival at Tangier. For some days it has been reported that his release was imminent and Sid El Hadj Mohamed Ben Arby Torres, the Sultan's delegate, informed me that the prisoners, whose release Raisuli demanded as part of his terms, had arrived here and were ready to be exchanged. These men, with the money demanded, were taken to the place of exchange by the British Consular Agent at Alcazar Kebir and the release finally effected yesterday, Kaid Maclean arriving at Tangier at about half past 11 last night. It is currently reported that in exchange for the release of Kaid Maclean, Raisuli has been given British protection and the sum of £20,000, of which £5,000 was handed over to him, together with his own men, who had been imprisoned, and the remaining £15,000 has been deposited to his credit in bank, the interest thereon to be paid to him during his good behavior, on which also his protection is conditioned.

I am, etc.,

S. R. GUMMERÉ.

RIGHTS OF FOREIGNERS IN MOROCCO.

File No. 5719/7.

Minister Gummeré to the Secretary of State.

No. 185.]

AMERICAN LEGATION,
Tangier, March 25, 1907.

SIR: I have the honor to report that Sid El Hadj Mohamed Ben Arby Torres, the Sultan's representative at Tangier, having ad-

^a Not printed.

dressed two identical letters to the foreign representatives, regarding relations about to be instituted for the conduct of the guards in and about Tangier, a meeting of the diplomatic corps was held, on the 22d day of March, under the presidency of the dean of the corps, to consider the said letters. In these letters, translation of which are herewith inclosed, the Sultan's delegate announces that in future any one committing disorder of any kind will be arrested by the guards and taken before the Halifa of the Basha, who will thereupon send them, if Moors, to the Basha, and if foreigners to their representative consulates to be judged. The foreign representatives having agreed that any such authorization as to arrest and conduct of foreigners to the Halifa was a dangerous precedent and contrary to treaty rights, decided that a collective letter should be written, in the name of the diplomatic corps, by the dean of the corps, and sent to Sid El Hadj Mohamed Ben Arby Torres, the Sultan's representative, acknowledging the receipt of the said letters, and informing him that, while they appreciated the efforts made by the Moorish government to maintain order in and about Tangier, pending the installation of the new police, they could not admit that their citizens or proteges should be arrested and taken before the Halifa of the Basha, as proposed, as such action was contrary to the convention of Madrid and treaty rights, which maintained that all foreign citizens or proteges should be brought immediately to their respective consular jurisdiction. The said letter was accordingly written and despatched to the Sultan's delegate.

I am, etc.,

S. R. GUMMERÉ.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Minister Gummeré.

After compliments:

We beg to inform Your Excellency that the governor of this town has issued strict orders prohibiting firing of guns by civilians outside or inside the town from sunset to sunrise, owing to the trouble caused to the guard posts surrounding the town. This order applies to all kind of shooting as well as to the acts of festivities, etc., and he who will fire during said prohibited time shall be seized and taken to prison by the guards. We therefore request Your Excellency to warn those under your jurisdiction to stop shooting during the night in order that no harm shall happen to them.

In peace.

MOHARRAM 25, 1325 (MARCH 10, 1907).

(Signed)

MOHAMED BEN ARBY TORRES.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Minister Gummeré.

After compliments:

In view of the important efforts being made by the Maghzen to render the functions of the guards regular and in accordance with the rules leading to complete security (inspire confidence) a Shereefian order has been issued to us and to the Vizier Sid Mohamed El Geb-bas (war minister) to be very particular in this matter. The object desired in establishing said guards in and outside of Tangier can only be obtained by giving full attention to those disturbing order or quarreling in any way, so that he who disturbs or commits disorder will be arrested by these guards and taken before the Halifa of the

Basha, whose headquarters are in the outer sok, and this Halifa will deliver the prisoner to the competent authority. If the arrested person is a Moorish subject he will be sent to the governor, but if the prisoner turns to be a foreigner he will be delivered to his consul.

Further attributions attached to said guards are to disarm those carrying arms on entering or leaving the town and to stop the handling of any kind of arms, with the exceptions of sportsmen, who will have to show his sporting gun to the guards, and they will be permitted to enter with it, until the reglements under consideration are made known; we therefore inform your excellency, as well as have informed the friendly representatives, that you may be aware of the same and give us your assistance in this matter.

In peace.

MOHARRAM 29, 1325 (March 14, 1907).

(Signed)

MOHAMED BEN LABRY TORRES.

File No. 5719/2.

The Acting Secretary of State to Minister Gummeré.

No. 93.]

DEPARTMENT OF STATE,
Washington, April 10, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 185, of the 15th ultimo, inclosing copies of two notes from the Sultan's representative at Tangier concerning measures proposed by the Moorish Government for the creation of a guard to preserve the peace in and about that city, and giving the substance of the collective reply of the diplomatic corps, embodying its objection to the plan.

The action of the diplomatic body in this regard appears to have been entirely proper and within international law and conventional right.

I am, etc.,

ROBERT BACON.

ACQUISITION OF PROPERTY FOR AMERICAN MISSIONARIES IN MOROCCO AND RENTAL OF A HOUSE IN THE MOORISH QUARTER OF MEQUINEZ.

File No. 594.

Chargé Philip to the Secretary of State.

No. 113.]

AMERICAN LEGATION,
Tangier, August 11, 1906.

SIR: I have the honor to acknowledge the receipt of instruction No. 46 of July 26, 1906,^a in reference to the action to be taken by the American minister, on the occasion of his mission to Fez in September next, for the purpose of facilitating the renting of houses by missionaries, and inclosing copies of three letters from the president of the Gospel Missionary Union and the Moroccan secretary of the same.

The department's instruction in this matter will be at once brought to the attention of Mr. Gummeré on his return from leave of absence.

Without presuming in any way to anticipate the possible result of such steps as may be taken in order to facilitate the renting by the

^a Not printed.

American missionaries of a house in the Moorish quarter of the city of Mequinez, I beg to state that during my sojourn in Fez, two years ago, I went quite thoroughly into this particular question and was much impressed by the formidability of the obstacles to the acquirement of such a house in comparison with the apparent necessities for such a residence.

Mequinez is the least frequented by foreigners of the larger cities of Morocco, and its Moorish population is more imbued with an undercurrent of fanaticism, and consequently opposed to the advent of such residents, than in these cities of the empire where certain influences of an outside civilization have had a beneficial effect in this respect. In the course of my inquiries at Fez and from conversations on the subject with the Sultan's vizier and others there I realized the objections of the Moorish Government to the acquirement of a residence in the Moorish quarter of Mequinez were not based on a lack of consideration for American missionaries in particular, but that the chief motive was a genuine fear that such a step would be more or less certain to involve the Maghzen in some serious trouble with a foreign government, owing to the great difficulty in furnishing adequate protection to its nationals in this remote city, where a spirit of hostility is present in all classes of the Mohammedan population which might lead to acts beyond the power of the Maghzen to control.

American missionaries reside at present in the Mellah or Jewish quarter of Mequinez, from which all parts of the city are accessible, and this is not apparently objected to by the Moorish officials; I was informed, however, that the location and the accommodation are very undesirable, and taking all things into consideration the importance of a house in the more desirable Mohammedan quarter to the resident missionaries can be easily appreciated.

No missionaries of other nationalities have secured houses in the Moorish quarter of Mequinez up to the present time, and the question is therefore one of considerable moment. Several members of American missions whom I have met have been hard-working, earnest men, who understood well the country and the people, and they all appeared to consider the acquisition of a house in Mequinez as of great importance to the furthering of their work.

It is to be hoped that the existing objections will be overcome and that the Moorish Government will realize the necessity of protecting the rights of foreign residents in all accessible parts of the country.

I am, etc.,

HOFFMAN PHILIP.

File No. 41/54-58.

Minister Gummeré to the Secretary of State.

[Extract.]

No. 152.]

AMERICAN LEGATION,
Tangier, December 12, 1906.

SIR: I have the honor to report, in detail, the settlement arrived at between the grand vizier and myself regarding matters at issue between our respective Governments and citizens. As reported in my No. 4 of October 15, 1906, shortly after my arrival at the court, at the

request of His Majesty the Sultan and of the grand vizier, I sent the following list to the latter, viz:

1. The demand that all American citizens be permitted to rent houses for dwelling purposes in any Moroccan city, as guaranteed by treaty, especially in the city of Mequinez. This was without exception the most difficult question I had to deal with while at the court. I was met with fair speeches and assurances, but could not secure any satisfactory conclusion for a long time. I, however, pressed the point as being the most important that I had submitted. I appealed to the Sultan personally and he gave me his assurance that a house would be secured. I thereupon sent my telegram of November 7, 1906,^a announcing this. In the end, however, it was agreed that strict orders be issued to the governor of Mequinez that he should not raise obstacles in the way of the American missionaries there in securing a house, but on the contrary he should assist them in so doing and treat them with kindness, care, and favor. In accordance with this agreement a strong letter addressed to the governor of Mequinez was delivered to me and forwarded by me to Mr. George Reed, the senior missionary there, for presentation to the said governor. I trust that my efforts in this matter may meet with success and with the approval of the department.

2. The demand for an apology and indemnity in the Cohen affair at Tetuan, as approved by the department. The department will understand that the securing of the payment of any money at this time from the Moorish Government is almost an impossibility. All matters had to be prepared and discussed, firstly between Sid Dris Lukilly, under secretary of state, and Mr. A. J. Nathan, special interpreter of my mission, assisted by Sid Thamy Slawe, American protégé for signal services, and submitted to the grand vizier and myself from time to time. In this way days were consumed, and at times it seemed as if no conclusion could ever be arrived at. However, at critical moments discussion took place between the vizier and myself, and, at length, a solution was arrived at in each case.

In this Tetuan case, as the department is aware, the demand was for an apology for the outrage against an American citizen and the payment of an indemnity of \$12,000 Moorish money. The apology was granted at once, but any money payment absolutely refused; an offer was made to investigate, but I submitted the testimony already taken in the case and rested on my original demand; then an offer to pay \$1,000 was made, and gradually this was raised to \$4,000; I offered to accept a payment of \$7,000, and finally I compromised for \$6,000 in full payment for damages in the matter. After many endeavors to reduce this amount, it was finally agreed to and the amount, \$6,000 Moorish money, paid in silver to me and transported to Tangier. I have summoned Mr. Cohen here from Tetuan, and this day have paid to him the said sum of \$6,000 Moorish money in settlement of his claim and have received from him a duplicate receipt for same, the original of which I beg to inclose herewith. I would mention that Mr. Cohen expresses satisfaction with the settlement arranged by me in the matter. I trust that it may also secure the approval of the department.

^a Not printed.

3. A request that certain robberies, committed by governors or kaid, in the country, which I had brought to the attention of the grand vizier from time to time, be investigated, and in cases where guilt was proven, recompense be awarded.

Under this head, the first case to be investigated was that of the robbery of property belonging to Mr. Solomon Benatuil, an American naturalized citizen, and Sid Thamy Slawe, American protégé, by certain people under the protection of Muley El Kebir, the Sultan's brother. In this case the parties were summoned and after the matter had been fully investigated the defendants were adjudged guilty and ordered to pay the sum of \$2,000 Moorish money as a compromise. The said amount was accordingly paid to me, and by me paid to the said Benatuil and Slawe in full settlement of their said claim, and duplicate receipt taken for same, the originals of which are inclosed herewith. The second case to be considered under this head was that of the robbery of certain property belonging to Mr. Solomon Benatuil, an American citizen, by Boabid, kaid of Erwa; in this case, after a close investigation of the testimony submitted by Mr. Benatuil, it was finally settled by the payment to me of the sum of \$5,000 Moorish money; this amount I have paid over to Mr. Benatuil and taken his duplicate receipts for the same, and beg to inclose herewith the original thereof. The third case to be considered under this head was the robbery, near Casablanca, of a large number of bullocks, the property of Mr. Joseph R. Cazes, a naturalized American citizen. This robbery was charged as having been perpetrated by the employees of the governor of Casablanca, who, however, denied this and alleged that a neighboring kaid, who was in rebellion, had been the robber. I have been pressing for an investigation of this matter for some months, and it was finally agreed that an immediate and thorough investigation be made, and if it was proven that the robbery had been committed by anyone under government control, the value of what was stolen should be at once paid to Mr. Cazes; if, however, it was proven that the robbery was committed by those living in disquiet districts, it was agreed that restitution be deferred until the country be peaceful. Letters to this effect addressed to Sid El Hadj Mohamed Ben Arby Torres, minister of foreign affairs, were given to me for delivery to him. The fourth case to be considered under this head was that of Mr. Isaac Coriat, an American naturalized citizen; this was a claim for money alleged to be owing to him by certain debtors at Morocco city, which the department had adjudged was a private matter and in no sense a claim. It was agreed that this case should be settled with the assistance of the governor of Morocco city and that certain sums which had already been decreed to belong to Coriat should be paid to him at once. Letters to this effect, addressed to the governor of Morocco city, were given to me to be delivered to him.

The fifth case under this head was the demand of Moise Amar Ben Luaree, an American protégé, for the payment of certain sums alleged to be due to his father's estate by two citizens of Mequinez. This had also been adjudged a private claim by the department, and it was agreed that both parties should submit their case to the judges and wise men of Fez and that their decision in the case should be binding.

Lastly, that the matter of the outrage on the son of Thamy Slawe, an American protégé, be examined into and due punishment awarded.

In this matter I beg to report that on arrival at Alcazar El Kebir, on my journey to Fez, I was met with the news that the kaid, or commander of the troops there, who had sheltered the guilty soldier from punishment and allowed him to escape, had been arrested by order of the Government. I was at once besieged by prayers to pardon this man, but refused to interfere in any way. On my arrival at Fez I was immediately importuned to agree to his release, but also refused to discuss the matter, except in due course of business. When the case was discussed, on the ground that it was not clearly proven that he had really facilitated the escape of the guilty man and that he had already undergone three months' imprisonment, and was thus punished in any case, it was agreed that he be released and the case thus closed.

Thus all of the matters submitted for discussion, as reported to the department, were settled and the principal matters in dispute cleared away. Altogether the sum of \$13,000 Moorish money was paid to me in said settlements.

I am, etc.,

S. R. GUMMERÉ.

File No. 41/54-55.

The Acting Secretary of State to Minister Gummeré.

DEPARTMENT OF STATE,
Washington, January 5, 1907.

SIR: I have to acknowledge the receipt of your dispatch, No. 152, of the 12th ultimo, by which you advise the department that, in consequence of your agreement with the Moorish government, orders have been issued to the governor of Mequinez to extend every facility to missionaries to procure a house there, apology and payment of \$6,000 indemnity have been made in the case of Isaac L. Cohen, \$2,000 indemnity have been paid to Solomon Benatuil and Sid Thamy Slawe for depredations of kaid, and the officer who allowed the soldier guilty of an outrage on the son of Thamy Slawe to escape has been punished.

The department is gratified to learn of your accomplishment of these results.

I am, etc.,

ROBERT BACON.

File No. 594/3-6.

Minister Gummeré to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
Tangier, March 15, 1907.

SIR: I have the honor to acknowledge the receipt of instruction No. 84 of February 26, 1907,^a (File No. 594/2) inclosing a letter from the

^a Not printed.

president of the Gospel Missionary Union as to the efforts of American missionaries to secure a suitable house in Mequinez, and directing me to continue my efforts to secure such a house for them.

As the department is aware, my efforts to secure such a suitable house at Mequinez for the missionaries have been long continued and as strenuous as possible. As I reported, in my No. 152 of December 12, 1906, this was the first subject presented for settlement during my recent mission to the court, and I secured the personal promise of His Majesty the Sultan, as well as the assurances of the grand vizier, that all should be done as desired; notwithstanding this I had endless trouble in securing even what I reported had finally been done in the matter—that is, a letter addressed to me by the grand vizier stating that His Majesty the Sultan had issued a shereefian order to the basha of Mequinez directing him “to be mindful of the said Americans and to take care of their affairs and treat them with favor and not place obstacles in the way of their renting a house in a part of the town not objectionable, but, on the contrary, to assist them in the same.” The shereefian letter was delivered to me and by me sent to the missionaries to be given by them to the basha, and, as it seems, has so far had no effect. I have the honor to inclose a copy of a letter addressed to me by Mr. Reed, one of our missionaries, on this subject, as well as a copy of my reply to the same, and at the same time a translation of the letter addressed by me to the grand vizier, referred to in my reply to Mr. Reed; the department will thus see that I had taken further steps in this matter before the receipt of the instruction inclosing the letter from the president of the Gospel Mission. I will report to the department the reply of the grand vizier as soon as received. As I have before reported, I believe that both the Sultan and the grand vizier have the best of will and intentions in this matter.

I am, etc.,

S. R. GUMMERÉ.

[Inclosure 1.]

Mr. George C. Reed to Minister Gummeré.

MEQUINEZ, February 20, 1907.

DEAR SIR: Replying to your kind favor of the 18th ultimo, I beg to inform you that, according to your instructions, I visited the governor of Mequinez and requested his assistance in renting a house in the Moorish quarter, mentioning certain houses that I had been informed were vacant. He at once raised objections to some of them, but told me to proceed and rent and that no one should interfere. I reminded him that the letter I had presented him instructed him to assist me, and that I desired not that he compel the owners to rent to me, but that he assure them that I had permission to do so, and that he call upon some one thus to rent to us. He replied that, as it was then evening, I should return the next day, and he would in the meantime look again at the letter. I called at the first opportunity, and the governor sent me word by his chief man that he had not yet found the letter, but when he had done so he would send for me.

If you have anything further to suggest, please let me know.

Yours, very sincerely,

GEO. C. REED.

P. S.—I might add that any further visits to the governor of Mequinez, without something very much stronger than has yet been presented, are entirely useless. I trust you may be able to take some further steps to hold the Sultan and the vizier to keeping their promise in good faith.

[Inclosure 2.]

*Minister Gummeré to Mr. George C. Reed.*AMERICAN LEGATION,
Tangier, March 12, 1907.

DEAR MR. REED: I have received your letter of February 20 last, informing me of your continued difficulties in securing a proper house at Mequinez, notwithstanding the Sultan's orders to the basha of that place, as well as the vizier's assurances to myself. I am more annoyed than I can say as to this and have written and dispatched a strong letter to the vizier demanding an explanation, in the name of my Government, of this breach of his solemn engagement with me and insisting on the immediate fulfillment of the same. I will also communicate with the Department of State on the subject. I will inform you at once as to the result of my representations to the vizier, Ben Sliman.

With kind regards and best wishes for a favorable solution of the matter of your house, believe me,

Yours, truly,

S. R. GUMMERÉ.

[Inclosure 3.]

Minister Gummeré to the Grand Vizier.

No. 16.]

AMERICAN LEGATION,
*Tangier, March 12, 1907.**After compliments:*

Your excellency will recall that among the matters which I presented for settlement during my recent visit to His Shereefian Majesty's court the first on the list was that of securing a suitable dwelling place, in the Moorish quarter, by the American citizens living in that city. As I then informed His Majesty, as well as your excellency, this was a matter which my Government considered of the first importance, and I therefore insisted that it should have a favorable solution, and that the basha of Mequinez be directed not only to cease from his unfavorable treatment of my citizens, but that he should assist them in securing such a house as they desired. As the result of our discussions on this subject, your excellency wrote me a letter, on the 6th of Shoual, 1324 (November 23, 1906), in which you informed me that a shereefian order had been issued by His Majesty the Sultan to Hadj Ben Aisa, governor of Mequinez, "to be mindful of the said Americans, to take care of their affairs, and to treat them with favor and kindness, and not place obstacles in the way of their renting a residence in a part of the town not objectionable, but to assist them in the same." This letter of your excellency was reported to my Government, which expressed great pleasure at this solution of what was considered a most important matter, and at the same time the American citizens were themselves informed of your excellency's letter, and that, in consequence of the same, they would surely have no difficulty in securing a suitable house.

Your excellency may judge of my surprise at hearing from my said citizens at Mequinez that, notwithstanding His Majesty's letter and your excellency's solemn assurances to myself, they have found it quite impossible to secure a house as desired. Upon presenting themselves to the basha and showing him a list of houses which they were informed were vacant, he at once raised objections to some of them, and on their calling on him to assist them in securing a proper house, as your excellency had assured me His Majesty's letter had directed him to do, he replied that he would look at the letter, and they could return the next day; and, on their presenting themselves at the time appointed, he refused to see them and sent word that he could not find the letter, thus making a mock of His Majesty's orders as well as of my citizens.

I have, moreover, to-day received an instruction from my Government informing me that they have learned that the pledges given by your excellency regarding a house for our citizens has not in any way been observed, and directing me to request an explanation from your excellency of this breach of a solemn engagement.

I have therefore to call your excellency's attention to the serious consequences which may result from further delay in carrying out your said engagement,

and to request that you will, without delay, see that His Majesty's orders to the basha of Mequinez to assist my citizens in securing a proper house in that city be carried out at once.

In peace.

S. R. GUMMERÉ.

File No. 594/11.

Minister Gummeré to the Secretary of State.

AMERICAN LEGATION,
Tangier, May 10, 1907.

SIR: I have the honor to acknowledge the receipt of instruction No. 95, of April 16, 1907^a (file No. 594/7), inclosing a copy of a letter from the Gospel Missionary Union, making inquiry as to the possible purchase of real estate in Morocco by American missionaries, and requesting a report on the subject.

In accordance with the said instruction I have the honor to report as follows:

By article 11 of the Madrid Convention the right to acquire property throughout the Shereefian Empire is secured to foreigners, subject to the approval of the local authorities. Except, however, at Tangier, and to some extent the other coast towns, the necessary authorization has never been secured and the right of foreigners to acquire such property has been null and void. By article 60, of the Algeciras act, the said right of foreigners to acquire property in Morocco is reiterated with the statement that "His Majesty the Sultan shall issue to his administrative and judicial officers such instructions as may be necessary for them not to refuse the registration of deeds without lawful cause. Also, that in ports open to commerce and within a radius of 10 kilometers around such ports His Majesty the Sultan, generally, and without its being necessary henceforth for foreign subjects to obtain a special permission for each purchase of property, now grants the consent required by article 11 of the Madrid Convention. The general authorization stated above is likewise granted to foreigners at El Ksar Kebir, Arzila, Azemour, and eventually in other towns of the coast or the interior, but only for purchasers within a radius of 2 kilometers around these towns."

This article 60 of the Algeciras act has not been put into effect as yet, and special permission for sale of property is still exacted. Although the article provides for the extension of the general authorization to other towns of the coast or the interior, eventually, there is little probability of that part of the article being put into effect, for a long time at least. If the missionaries request this information with a view to the purchase of property in Mequinez, I should say that there is no probability of their or any other foreigners securing the required authorization.

The legal deeds for transfer of real estate in Morocco are those drawn in Arabic, by properly authorized adools or notaries, and the validity of which have been duly certified by the kadi or judge.

I am, etc.,

S. R. GUMMERÉ.

^a Not printed.

File No. 594/15.

Minister Gummeré to the Secretary of State.

AMERICAN LEGATION,
Tangier, July 19, 1907.

SIR: I have the honor to acknowledge the receipt of instruction No. 101 of June 24, 1907^a (file No. 594/13), inclosing a copy of a letter from the president of the Gospel Missionary Union, regarding the purchase and tenure by foreigners of real estate in Morocco, and requesting me to report on the points referred to by Mr. Fisher.

In conformity with said instructions, I have the honor to report that the procedure in Morocco as to the foreclosure of mortgages on real estate which are held by Jews, who are citizens of other nations, or by anyone else, is as follows:

When a sum of money is loaned on a mortgage on real estate in Morocco the title deeds of the real estate are delivered to the mortgagee as security for the sum loaned, and on default of payment of principal and interest when due a complaint is made to the kadi or judge, who thereupon gives notice to the mortgagor that if the sum due is not paid at a specified date the property will be sold at public sale. This notice is repeated three times, and if the sum due is not paid the property is sold by the kadi; in the case where a foreigner desires to purchase said property the kadi must refer the matter to the basha and obtain his consent before such a sale can be made.

I have further the honor to report that the consent of the Moorish Government must be obtained in the sale to a foreigner of property that has already been duly acquired by a foreign citizen.

I am, etc.,

S. R. GUMMERÉ.

POLITICAL AFFAIRS IN MOROCCO.

INTERNATIONAL COMMISSION FOR THE ADJUSTMENT OF DAMAGES GROWING OUT OF THE DISORDERS AT CASABLANCA.

File No. 2151/29.

The French Chargé to the Acting Secretary of State.

[Translation.]

FRENCH EMBASSY,
Newport, August 3, 1907.

DEAR MR. ADEE: Nine Europeans, of whom there were three Frenchmen, three Italians, and two Spaniards, were murdered at Casablanca on July 30. The victims were employed by a French company which had contracted for the harbor improvements and had laid a working decauville (light narrow-gauge railroad).

The French residents succeeded, with great trouble, in boarding the vessels in the roadstead; some of our people remained with the acting consul.

^a Not printed.

The Government of the Republic immediately took the necessary steps to bring relief to foreigners of all nationalities.

The *Galilee*, then at Tangier, set out for Casablanca, where it was due on the 1st of August; the *Forbin*, then in the Azores, has been ordered to join, and two cruisers sailed for Oran, where they will be ready for any emergency.

The French representative at Casablanca, in company with the commanding officer of the *Galilee*, will call on the governor, and will hold him responsible, on his life, for the public safety.

His Excellency M. Pichon has instructed me to acquaint the Secretary of State, in a private interview, with the measures taken, as above stated, by the Government of the Republic, in the interest of the foreign residents. Being unable at present to have a talk with you, I deem it my duty to communicate the information to you in a personal letter, and beg that you will kindly give immediate knowledge of it to His Excellency Mr. Root.

Be pleased, etc.,

DES PORTES.

File No. 2151/33-35.

The French Chargé to the Acting Secretary of State.

[Translation.]

FRENCH EMBASSY,
Newport, August 7, 1907.

MR. SECRETARY OF STATE: I have the honor to send you herewith a note which his excellency the minister of foreign affairs of France has just instructed me to transmit promptly to your excellency in order to acquaint the Federal Government with the measures that have been adopted and were deemed indispensable to insure the restoration of order and safety in Morocco, in consequence of the unforeseen outbreak at Casablanca.

I have the honor to inclose herewith a note verbale intended to bring the particulars of these events to your excellency's knowledge.

Be pleased, etc.,

DES PORTES.

[Inclosure.—Translation.]

Note delivered by the French Chargé to the Secretary of State.

FRENCH EMBASSY,
Newport, August 7, 1907.

Events have forerun the measures determined upon by the Government of the Republic in consequence of the recent outrages committed at Casablanca, which measures were about to be made known to the governments concerned.

The manifest inability of the Moorish Government to enforce obedience from its subjects and to provide for the safety of persons under foreign jurisdiction emphasizes more and more the urgent necessity of organizing the police in the ports of Morocco. It is a matter of the highest interest for the maintenance and observance of the high authority of His Shereefian Majesty. Imbued with these sentiments, the Government of the Republic will carry out the measures

it had resolved to resort to while scrupulously respecting the integrity of Morocco and the sovereignty of the Sultan. Public order and safety, freedom in commercial operations will be guaranteed at Casablanca by adequate forces. Exemplary punishment will be inflicted upon the natives responsible for massacres and outrages of yesterday.

Concurrently with these operations a body of police for the city and suburbs will immediately be organized in concert with the Spanish Government.

[Inclosure 2.—Translation.]

Note verbale.

It was decided, on the 4th of August, with the consent of Mouley Lamin and the Pacha that, owing to the disturbed conditions at Casablanca, a landing party would occupy the consulate at a very early hour the next morning.

On the 5th of August, at 5.30 in the morning, when our forces appeared before the gate of the marine which was to be opened to them, they were set upon by the inhabitants, among whom were many regulars. Six of our men, including an officer, were wounded. Mouley Lamin apologized for the treachery of the soldiers and had them delivered in chains to the consulate of France. The *Galilee* and *Du Chayla* immediately bombarded the town, sparing the European houses. The consulate was occupied by our soldiers. Our guns were then, upon the express request of Mouley Lamin, fired at the tribes in the country which were threatening to enter the town.

When these operations were over, the *Du Chayla* landed troops, and, later, the Spanish gunboat sent 30 men on shore, but took no part in firing.

File No. 2151/39.

The Spanish Chargé to the Secretary of State.

[Memorandum.—Translation.]

SPANISH LEGATION,
New York, August 9, 1907.

The chargé d'affaires of Spain presents his respects to the honorable Secretary of State of the United States and, in obedience to instructions received from the most excellent minister of state of His Majesty, has the honor to communicate to him the translation of the text of a telegram he has just received, and which reads as follows:

The recent outrages committed at Casablanca, while evidencing the inability of the Moorish Government to enforce obedience from its subjects and protect foreigners, imparts even greater urgency than heretofore to the necessity of organizing the police in the ports of the Empire. In this the maintenance and respect of the high authority of His Shereefian Majesty are interested above all. The Government of His Catholic Majesty has concerted in this sense with the Government of the French Republic measures relative to the immediate organization of the police in the city of Casablanca and its suburbs and hopes that through this and other measures that shall have to be resorted to, within the strict respect of the integrity of Morocco and the sovereignty of the Sultan, order, safety, and freedom of commercial transactions in that town will be assured, and that those responsible for the events above alluded to will not succeed in escaping punishment. In accordance with the purpose it had formed from the beginning, the Government of His Catholic Majesty desires that the powers signatory to the general act of the Algeiras Conference be given knowledge of all the foregoing.

In so doing, Don Manuel Walls y Merino, avails, etc.

File No. 2151.

Minister Gummeré to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Tangier, August 9, 1907.

Informs the department of the arrival of other cruisers, and that the further occupation of the town is reported from Casablanca, but that all is quiet. States that the whole country is, however, in a turmoil, and that the situation is so threatening that the minister for foreign affairs has requested that he return from the mountains, which he will do to-morrow. Adds that three French and one Spanish cruisers are at present at Tangier.

File No. 2151/47.

Minister Gummeré to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
Tangier, August 9, 1907.

SIR: I have the honor to confirm my telegram to the department of this date as follows:^a

In explanation of the above telegram, I have the honor to report that a boat arrived from Casablanca this morning with news of the arrival there of two or three more French cruisers who landed men and fully occupied the town, so that the foreign population were enabled to return to their houses and move about the town. Previous to this, as the few troops landed were only able to protect the consulates, the town was looted by the natives and not only the custom-house, but many shops and stores, including the branch of the Banque d'Etat. It is also reported that war vessels have arrived at Rabat and Mazagan and that all is quiet at both places. As the department is aware, I have since the 1st of July been residing at the Perdicularis place on the mountain, about 45 minutes from Tangier, but Sid El Hadj Mohamed Ben Arby Torres, the minister of foreign affairs, sent word to me to-day to return to the town for the present, as the whole country was in a turmoil over the occupation of Casablanca, and he could no longer assure my safety at so great a distance from the town.

I am, etc.,

S. R. GUMMERÉ.

File No. 2151/33-35.

The Acting Secretary of State to the French Chargé.

No. 429.]

DEPARTMENT OF STATE,
Washington, August 13, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, transmitting, by instruction from his excellency the

^a Supra.

minister of foreign affairs, a note acquainting this Government with the measures that have been adopted and were deemed indispensable to insure the restoration of order and safety in Morocco in consequence of the unforeseen outbreak at Casablanca.

The note verbale, also transmitted by you with the above, is intended to bring the particulars of these events to the department's knowledge.

Accept, etc.,

ALVEY A. ADEE.

File No. 2151/39.

The Acting Secretary of State to the Spanish Chargé.

[Memorandum.]

DEPARTMENT OF STATE,
Washington, August 17, 1907.

The Acting Secretary of State has the honor to acknowledge the receipt of the memorandum of the Spanish chargé d'affaires stating, under the instruction of his Government, the action which the Governments of Spain and France have found necessary to take in order to suppress the disturbances at Casablanca without detriment to the integrity of Morocco and the sovereignty of the Sultan.

The Government of the United States has taken due notice of the communication.

File No. 2151/46.

Minister Gummeré to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Tangier, August 22, 1907.

States that it is currently reported that the uncle of the Sultan has been proclaimed Sultan at Morocco City. Says that he has been informed by the Spanish minister that the Spanish consul at Mogador has telegraphed him to the same effect. Adds that it is reported that all Christians have left Fez for the coast, and that all is quiet at Tangier.

File No. 2152/59.

Minister Gummeré to the Secretary of State.

AMERICAN LEGATION,
Tangier, August 23, 1907.

SIR: I have the honor to confirm my telegram to the department of this date, as follows:^a

In explanation of the said telegram I have the honor to report that last evening Sir Gerard Lowther, the British minister, informed me that he had received news from his consuls at Alcazar Kebir that the

^a Supra.

Sultan's Mhalla or military force under the command of Shereef Mohamed El Merani on the 19th instant attacked the El Hmaz tribes, who, under the leadership of Raisuli in person, repulsed them, inflicting a crushing defeat. The said news was confirmed this morning by a letter received from Sid Thamy Slawe, our protégé at Alcazar, who states that the troops were surrounded by the tribes, who attacked in front and rear and almost annihilated them; the survivors managed to escape by another passage in the hills and had begun to arrive at Alcazar. The holot or local contingent under Rmiki, governor of the province, had not come in, and fears are entertained of their destruction. Slawe reports great unrest in the province and fears of a general rising. All this, of course, compels the cessation of negotiations for the release of Sir Harry Mclean, and the British minister is exceedingly anxious as to the consequences to him. If Raisuli follows up his victory, there is nothing to prevent his seizing Alcazar, the largest town between here and Fez, and as it is only two days or less from Tangier, he will become a distinct menace to our security. The situation grows more complicated and threatening daily.

I am, etc.,

S. R. GUMMERÉ.

File No. 2151/48.

Minister Gummeré to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN LEGATION,
Tangier, August 23, 1907.

States that the troops of the Sultan have been routed, with heavy losses, by tribes under the leadership of Raisuli, and that the situation at Alcazar, only two days from Tangier, is very serious.

File No. 2151/49.

Minister Gummeré to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Tangier, August 24, 1907.

States that proclamation of Mouley Hafid as Sultan of Morocco and his acceptance have been officially confirmed; that the new Sultan has constituted his government and has been accepted by all southern Morocco, including coast towns.

File No. 2151/58.

Minister Gummeré to the Secretary of State.

[Extract.]

AMERICAN LEGATION,
Tangier, August 24, 1907.

SIR: I have the honor to confirm my telegram to the department of August 24th, as follows:^a

In explanation of the same I have the honor to report that this morning a boat arrived at Tangier from Mazagan, laden with refu-

^a Supra.

gees from that town, and carrying letters to the various legations here from their consuls at that town and Saffi. The news of the proclamation of Mouley Hafid, the Sultan's uncle and viceroy at Morocco City, as Sultan, and his acceptance of the same, was at once announced. I have just seen the Spanish minister, who has very kindly shown me the letters he has received from his consuls at Saffi and Mazagan, both of whom announce officially that, on the 16th instant Mouley Hafid was proclaimed Sultan at Morocco City by the notables and ulemas, or chiefs of the mosques, as well as by the tribesmen and people, and that, after some reluctance, he has accepted the same and at once constituted his government, having appointed Sid Ben Kebor, grand vizier; Sid Bubker Gendafi, minister of war; and Sid Tazzi, as minister of finance. The Spanish consul at Saffi reports further that, after some hesitation, the governor of that town has accepted the new Sultan, and the same is expected at Mazagan. It is also reported that the surrounding tribes in southern Morocco have received the news of the proclamation with enthusiasm. It remains to be seen how this news will be received in the more northern part of the Empire, especially at Fez, where the Sultan and his court are.

Latest advices from the coast towns report all quiet, but there has been a great exodus of both Christians and Jews from Mazagan, where the tribes are threatening. Reports from Alcazar are to the effect that the Sultan's forces were not so badly repulsed as first stated, and considerable reinforcements, some 1,000 men, from the Tangier garrison, have been sent to them. Tangier remains quiet, and the neighboring people come to the markets as usual.

I am, etc.,

S. R. GUMMERÉ.

File No. 2151/64.

Minister Gummeré to the Secretary of State.

No. 259.]

AMERICAN LEGATION,
Tangier, September 4, 1907.

SIR: I have the honor to report that the diplomatic corps has received through their dean a letter from the French chargé d'affaires stating as follows:

That owing to the present troubled time, when all is so insecure at Tangier and its environs, the minister of war and the governor of Tangier, upon the advice of Mr. Bourgués, commissioner of police of the French legation, have decided to form a service of police to re-establish the security of the interior of the town as well as of its environs.

The principle of the projected reform consists in the division of the town into eight quarters, each one under a responsible captain and lieutenant. The five captains of the douars, or districts, in the suburbs of Tangier [are] to be confirm [ed] in their present functions and held responsible for the maintenance of order in their district, or douar.

A list of inhabitants in each quarter or district will be established, and a roll also will be made of the said inhabitants to designate who shall keep guard at night, the turn of such guard to return every ten days at most. The replacement, by those who may be hired to do so,

will not be permitted. In order to be effective the obligation to guard must be made absolute for all natives, protected or otherwise, except for those protégés under articles 2 and 16 of the treaty of Madrid.

This organization to exist until the permanent installation of police under the Algeciras Act. The expense will be some four thousand francs per month, to be covered by an advance from the Algerian Company (bank) to the Moorish Government of 100,000 francs, to be used for the protection of the city.

The minister of war is disposed to confide the payment and control of this body of police to Captain Fournie and his subordinates (French police).

That, if the diplomatic corps approves, a letter should be sent to Sid El Hadj Mohamed Ben Arby Torres, the Sultan's delegate, asking him to take part in the formation of said body of police and inviting him to nominate competent Moorish authorities for the same.

I have the honor to report further that the diplomatic corps have approved of the installation of the said temporary body of police at Tangier, and it is hoped that the same may be carried out with as little delay as possible.

I am, etc.,

S. R. GUMMERÉ.

File No. 2151/60.

The Acting Secretary of State to Minister Gummeré.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, September 12, 1907.

Informs him that Ambassador Reid has telegraphed the department that he has been informed by the foreign office that the British consuls have been instructed to protect American citizens and interests in Morocco at places named. Adds that Mr. Reid states that there is no representative at Fez, all foreigners having left for Tangier.

File No. 2151/71.

Minister Gummeré to the Secretary of State.

No. 267.]

AMERICAN LEGATION,
Tangier, September 14, 1907.

SIR: Referring to my No. 259 of September 4, 1907, I have the honor to report that the minister of war, having also written to the dean of the diplomatic corps to inform him of the institution of a temporary police for the protection of Tangier and its environs, the corps has instructed their dean to write to the said minister and inform him that they thoroughly approve of his wise action in establishing the said police, and engaging to counsel their protégés to perform the obligations belonging thereto and undertaken in the interest of all. Except protégés under articles 2 and 16 of the convention of Madrid. That they also approve of his action in entrusting the payment, etc., of the said police to Captain Fournie of the French military mission at Tangier.

I am, etc.,

S. R. GUMMERÉ.

File No. 2151/65.

The French Chargé to the Secretary of State.

[Translation.]

FRENCH EMBASSY,
Newport, September 15, 1907.

MR. SECRETARY OF STATE: The regulations relative to the organization and functions of the Moorish police, as well as the specifications for the assignment of clothing and equipment contracts, having been approved by the Maghzen, the type of guns (French model) having also been selected by the Shereefian Government, and the requisite credits for the fiscal year 1907 having been opened by the State Bank, all the preliminary formalities attendant upon the creation of the new body of troops have now been fulfilled. The present juncture makes it particularly desirable that the measures of this character provided for in the general act of Algeciras be promptly carried out. The foreign residents of the cities on the coast are everywhere threatened or alarmed by the demonstrations of the tribes, the inaction or notorious impotence of the local authorities, and, lastly, by the undisciplined state of the Shereefian garrisons.

The French and Spanish governments have fulfilled the international mission with which they were entrusted by assuming, with the unanimous assent of the powers, the protection of foreigners in Morocco since the recent events. They are therefore giving earnest attention to the earliest possible establishment of adequate police forces for the effective protection of the residents of every nationality in their lives and interests. Their representatives in Tangier have just handed to the Shereefian minister of war a note by which they asked to be given an official assurance that he held sufficient powers to organize the police immediately, particularly to recruit the men, and to guarantee personally that the force assembled by him would be faithful and disciplined, our instructors thus being secure on his personal responsibility.

In making this communication to the Moorish minister, Mr. de St. Aulaire and Mr. Llaveria explained to him the import of the guarantee their governments expected of him; they wished to be assured, on his surety, that the instructors would not be in danger of being abandoned or massacred by their men.

Si Mohammed El Guebbas replied that it was impossible for him to give so formal an assurance.

Upon this declaration the two governments, bound to insure the safety of foreigners in the ports, must provide means of organizing, provisionally, but without further delay, a body of police out of their own resources—that is to say, their military strength. The government of the republic is therefore about to arrange with the Spanish Government the manner of carrying out that organization, which is the most pressing need of the moment. The two governments, however, consider this to be a temporary measure demanded by the present conditions, and that the presence of Franco-Spanish troops in the coast towns where it is found to be necessary will facilitate the formation of Moorish bodies of police, as provided at Algeciras;

the instructors will endeavor to impart speedily to the Moorish corps the military discipline and valor without which there can be no assurance of order.

Be pleased, etc.,

DES PORTES.

File No. 2151/109-110.

Minister Gummeré to the Secretary of State.

No. 268.]

AMERICAN LEGATION,
Tangier, September 18, 1907.

SIR: The Portuguese minister, as dean of the diplomatic corps, has circulated among the corps a letter which he has received in the name of the pretender, Mouley Hafid, a translation of which is herewith inclosed.

The dean, while thus circulating the said letter, stated that he did not do so in an official sense.

I am, etc.,

S. R. GUMMERÉ.

[Inclosure.—Translation.]

Praise to God Alone:

To the wise and honorable friend who seeks the good of and friendship between the two powers, the minister and doyen of the diplomatic corps at Tangier and representative of the Kingdom of Portugal.

After Compliments:

Our Lord and Master the Great Sultan and Commander of the Kingdom of Islam, our Lord and Master Abdel Hafid (may God grant to him victory and assistance), has received from the people of Morocco the investiture of the Sultanate after the deposition of our Lord Abdel Aziz. This deposition has taken place by a decision of the Islamic law, and in the interest of the Moorish Government and the integrity of the Empire.

My Master has ordered me to write to you, convinced as he is of your friendship for His Majesty, that he protests against the occurrences at Casablanca.

If one regards with humanity and justice what has happened to Morocco, especially at Casablanca, the inhabitants of which were the object of violence and aggression; 6,000 souls of them were killed; the city was bombarded with inflammable explosives, while the inhabitants were without defense. This spectacle, frightful to see, makes the heart burn and cause the most hard-hearted to weep. You are not ignorant that this great occurrence, which constitutes an attack upon public rights, is contrary to the international treaties, which forbid the attack of a city without defense by elements of destruction and by mines, etc. Whoever claims that the serious occurrence at Casablanca was caused by any necessity whatsoever, this can not be admitted for several reasons. Moreover, there has never been a precedent for such an occurrence, and such things have never been heard of. Please take note of all this and do all that you can in the way of observations and remarks in order to maintain in their purity the relations of Morocco with the powers.

Moreover, no doubt one can count on a man such as you, who possesses such keen intelligence and remarkable sagacity. May God bless you.

REJEB 7TH, HOLY, YEAR 1325 (AUGUST 16, 1907):

The minister of the Sultan, fortified by the victory of God.

(Signed)

MOHAMED BEN ABDEL-KEBIR.

(May God preserve him.)

File No. 2151/65.

The Secretary of State to the French Chargé.

DEPARTMENT OF STATE,
Washington, September 24, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant announcing, with regard to existing conditions in Morocco, that your Government, with that of Spain, is about to arrange for the temporary, but immediate, organization of the Moorish police, this measure appearing essential to the efficient protection in Morocco of foreign life and interests, particularly in view of the declaration made by the Shereefian minister of war, in response to a note addressed to him by the representatives of France and Spain at Tangier, that he is unable to give official or personal assurance that he holds sufficient powers to organize the police or guarantee the faithfulness or discipline of the force assembled by him or the safety of its instructors.

Accept, etc.,

ELIHU ROOT.

NETHERLANDS.

INTERNATIONAL CONVENTION FOR THE EXEMPTION OF HOSPITAL SHIPS FROM THE PAYMENT OF ALL USUAL PORT DUES AND TAXES.

The Netherlands Minister to the Secretary of State.

[Translation.]

ROYAL LEGATION OF THE NETHERLANDS,
Washington, October 13, 1904.

MR. SECRETARY OF STATE: Articles 1, 2, and 3 of the convention signed at The Hague on July 29, 1899, for the adaptation of the principles of the Geneva convention to maritime warfare have, as Your Excellency is aware, defined the conditions under which hospital ships are permitted to fulfill in time of war their humane mission.

With a view to facilitating this task and reducing its cost as far as practicable, the Government of the French Republic has taken the initiative of a proposition looking to the exemption, by means of an international agreement, from the payment of all dues and taxes usually collected in ports for hospital ships filled out under the above-mentioned conditions, and to that end has asked the Government of Her Majesty the Queen to call a meeting of delegates of the powers signatory to the international act of 1899.

The cabinet of The Hague, glad to cooperate in the adoption of an eminently beneficent and useful measure, has decided to join in the action of the French Government.

I am, in consequence, instructed by the minister of foreign affairs at The Hague, by order of Her Majesty the Queen, to invite the Government of the United States of America to be represented by one or more plenipotentiaries at the conference that will meet at The Hague during the month of December next and the date of which will be fixed later.

Your Excellency will find herewith a copy of a draft of a convention which seems likely to supply a basis for the deliberations of the forthcoming meeting.

While thus complying with my instructions, I venture to add that I hope Your Excellency will kindly let me know, at your earliest convenience, what reception will be given to this invitation by the Cabinet of Washington.

Be pleased, etc.,

VAN SWINDEREN.

[Inclosure.]

DRAFT OF CONVENTION.

The undersigned, plenipotentiaries of the powers signatory to the convention concluded at The Hague on July 29, 1899, for the adaptation of the principles of the Geneva convention of August 22, 1864, to maritime warfare, duly authorized to that effect by their respective governments.

Considering that articles 1, 2, and 3 of the first-named convention have sanctioned the principle of the intervention of the Red Cross in naval wars through the neutralization of relief ships:

Have agreed on the following provisions:

SOLE ARTICLE.

The hospital ships mentioned in articles 1, 2, and 3 of the convention of July 29, 1899, for the adaptation of the principles of the Geneva convention of August 22, 1864, and who should have received an official commission to that effect from their Governments and whose names should have been notified in advance to the contracting powers shall be exempted in the ports of the said powers, in time of war, from the payment of all dues and taxes except those that are established for the use of the various services of the ports, such as pilotage dues.

The said ships shall be subject to the visitation and supervision provided by the laws and regulations of the place for the prevention of the transportation of contraband of war.

The Secretary of State to the Netherlands Minister.

No. 19.]

DEPARTMENT OF STATE,
Washington, October 22, 1904.

SIR: I have the honor to acknowledge receipt of your note of the 13th instant inviting this Government to be represented at a conference looking to the exemption, by means of an international agreement, of hospital ships from payment of all usual port dues and taxes, to be held at The Hague, in December next, between the powers signatory to The Hague convention of July 29, 1899; and submitting a draft of a convention as a basis for the deliberations of the proposed conference.

In acknowledgment of your Government's action, I beg leave to express my appreciation and to say that the subject is receiving this Government's consideration, the result of which will be communicated to you at an early date.

Accept, etc.,

JOHN HAY.

The Secretary of State to the Netherlands Chargé.

No. 27.]

DEPARTMENT OF STATE,
Washington, November 19, 1904.

SIR: In further reply to your note of the 13th ultimo, extending an invitation to this Government to join in a conference of delegates of the powers signatories to the international act of July 29, 1899, which conference is to be held at The Hague sometime during the coming month, with a view to the exemption by means of an international agreement of Red Cross hospital vessels from the payment of taxes and port dues, pilotage excepted, in time of war, I have the honor and the pleasure to accept the invitation so courteously extended by the Government of Her Majesty the Queen, and in connection therewith beg leave to advise you that the American chargé d'affaires ad interim at The Hague has been instructed to attend the conference and to sign the proposed convention, for which purpose full powers have been sent him.

Accept, sir, etc.,

JOHN HAY.

The Secretary of State to the Netherlands Minister.

No. 31.]

DEPARTMENT OF STATE,
Washington, February 24, 1905.

SIR: Referring to your note of the 20th ultimo,^a I have the honor to inform you that the Senate, by its resolution of February 21, 1905, gave its advice and consent to the ratification of the convention signed at The Hague on December 20, 1904, by the plenipotentiaries of the United States and other powers, providing for the exemption of hospital ships in time of war from the payment of all dues and taxes imposed for the benefit of the State.

As the names of the signatory powers and of their plenipotentiaries will not be inserted in the convention until October 1, 1905, until which day the convention will remain open for signature, the President's ratification of the convention will await the receipt of the completed instrument.

Accept, etc.,

JOHN HAY.

The Netherlands Minister to the Secretary of State.

No. 48.]

ROYAL LEGATION OF THE NETHERLANDS,
Washington, January 23, 1906.

MR. SECRETARY OF STATE: By order of my Government, I have the honor to transmit herewith to Your Excellency: (1) Two authenticated copies (one under article 6 of the convention, the other to be used as the instrument of ratification), together with two nonauthenticated copies of the convention concerning hospital ships, signed at The Hague on December 21, 1904; (2) an authenticated copy, together with a nonauthenticated copy, of the final act bearing the same date.^b

The minister of foreign affairs instructs me at the same time to advise Your Excellency that thus far no adhesions have been declared to this convention, of which several of the signatory States are ready to deposit their instruments of ratification.

The Government of the Queen, however, is of opinion that it would be desirable not to effect the deposit of said instruments until the majority of the States signatories to the convention is in position to join in this first deposit.

Thus complying with the foregoing instructions, I embrace this opportunity to renew, etc.,

VAN SWINDEREN.

The Secretary of State to the Netherlands Minister.

No. 67.]

DEPARTMENT OF STATE,
Washington, February 7, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 23d ultimo transmitting authenticated and nonauthenticated copies of the convention concerning hospital ships, signed at The Hague on December 21, 1904, and of the final act bearing the same

^a Not printed.^b Inclosures not printed.

date. You inform me of the advice you have received from your Government that no adhesions have been declared to this convention of which several of the signatory States are ready to deposit their instruments of ratification, and that the Government of the Queen is of opinion that it would be desirable not to effect the deposit of the said instruments until the majority of the States signatories to the convention are in a position to join in this first deposit.

As you were informed by this department's note of February 24, 1905, the Senate, by its resolution of the 21st of the same month, gave its advice and consent to the ratification of this convention. In view of the wish of your Government, as expressed above, the President's ratification will be deferred until you shall have informed this department that the Government of the Netherlands is ready to receive the deposit thereof.

Should the enactment by Congress of a law to exempt the hospital ships from federal dues be found necessary, the President's ratification will be made subject to such enactment.

Accept, etc.

ELIHU ROOT.

CONVENTION BETWEEN THE UNITED STATES AND CERTAIN OTHER POWERS FOR THE EXEMPTION OF HOSPITAL SHIPS, IN TIME OF WAR, FROM THE PAYMENT OF ALL DUES AND TAXES IMPOSED FOR THE BENEFIT OF THE STATE.

Signed at The Hague December 21, 1904.

Ratification advised by the Senate February 21, 1905.

Ratified by the President October 16, 1906.

Ratification deposited at The Hague March 26, 1907.

Proclaimed May 21, 1907.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention providing for the exemption of Hospital Ships in time of war from the payment of all dues and taxes imposed for the benefit of the State was signed at The Hague on December 21, 1904, by the Plenipotentiaries of the United States of America, Germany, Austria-Hungary, Belgium, China, Korea, Denmark, Spain, Mexico, France, Greece, Italy, Japan, Luxemburg, Montenegro, The Netherlands, Peru, Persia, Portugal, Roumania, Russia, Servia, Siam, and Switzerland, the original of which Convention in the French language is word for word as follows:

[Translation.]

CONVENTION REGARDING HOSPITAL SHIPS.

His Majesty the Emperor of Germany, King of Prussia; His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary; His Majesty the King of the Belgians; His Majesty the Emperor of China; His Majesty the Emperor of Corea; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the Presi-

dent of the United Mexican States; the President of the French Republic; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; Her Majesty the Queen of the Netherlands; the President of the Peruvian Republic; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam, and the Swiss Federal Council,

Taking into consideration that the Convention concluded at The Hague on July 29, 1899, for the adaptation to Maritime Warfare of the Principles of the Geneva Convention of August 22, 1864, has sanctioned the principle of the intervention of the Red Cross in naval wars by provisions in favor of hospital ships;

Desirous of concluding a convention to the end of facilitating by additional provisions the mission of such ships;

Have appointed as their Plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia: M. de Schlözer, His envoy extraordinary and minister plenipotentiary to The Hague;

His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary: M. Alexander Okolicsanyi d'Okolicsna, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of the Belgians: M. Baron Guillaume, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of China: Hoo Wei-Teh, His envoy extraordinary and minister plenipotentiary at St. Petersburg;

His Majesty the Emperor of Corea: Young Chan Min, His envoy extraordinary and minister plenipotentiary at Paris;

His Majesty the King of Denmark: M. W. de Grevenkop Castenskiold, chargé d'affaires of the Kingdom at The Hague;

His Majesty the King of Spain: M. Arthur de Baguer, His envoy extraordinary and minister plenipotentiary at The Hague;

The President of the United States of America: Mr. John W. Garrett, chargé d'affaires ad interim of the Republic at The Hague;

The President of the United Mexican States: M. Zenil, envoy extraordinary and minister plenipotentiary of the Republic at Vienna;

The President of the French Republic: M. de Monbel, envoy extraordinary and minister plenipotentiary of the Republic at The Hague;

His Majesty the King of Hellenes: M. D. G. Metaxas, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Italy: M. Tugini, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of Japan: M. Nobukata Mitsuhashi, His envoy extraordinary and minister plenipotentiary at The Hague;

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau: M. Count H. de Villers, chargé d'affaires of the Grand Duchy at Berlin;

His Highness the Prince of Montenegro: M. N. Tcharikow, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of All the Russias at The Hague;

Her Majesty the Queen of the Netherlands: M. Baron Melvil de Lynden, Her minister of foreign affairs, and M. T. M. C. Asser, Her minister of state, member of Her council of state;

The President of the Peruvian Republic: M. C. G. Candamo, envoy extraordinary and minister plenipotentiary of the Republic at Paris and at London;

His Imperial Majesty the Shah of Persia: Mirza Samad Khan, momtazos saltaneh, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Portugal and of the Algarves, etc.: M. Count de Selir, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the King of Roumania: M. Jean N. Papiniu, His envoy extraordinary and minister plenipotentiary at The Hague;

His Majesty the Emperor of All the Russias: M. Martens, His privy counselor, permanent member of the council of the imperial minister of foreign affairs;

His Majesty the King of Servia: M. M. Vesnitch, His envoy extraordinary and minister plenipotentiary at Paris;

His Majesty the King of Siam: Phya Raja Nupraphandh, His envoy extraordinary and minister plenipotentiary at The Hague;

The Swiss Federal Council: M. G. Carlin, envoy extraordinary and minister plenipotentiary of the Confederation at The Hague; Who, after communication of their full powers, found to be in good and due form, have agreed on the following provisions:

ARTICLE FIRST.

Hospital ships, concerning which the conditions set forth in Articles 1, 2 & 3 of the Convention concluded at The Hague on July 29, 1899, for the adaptation to Maritime Warfare of the principles of the Geneva Convention of August 22, 1864, are fulfilled shall be exempted, in time of war, from all dues and taxes imposed on vessels for the benefit of the State, in the ports of the Contracting Parties.

ARTICLE 2.

The provision of the foregoing article does not prevent the application, by means of visitation or other formalities of fiscal or other laws in force at said ports.

ARTICLE 3.

The rule laid down in article first is binding only on the Contracting powers in case of war between two or more of them.

The said rule shall cease to be binding from the time when a non Contracting Power shall join one of the belligerents in a war between Contracting Powers.

ARTICLE 4.

The present Convention which bearing the date of this day, may be signed until the first of October, 1905, by the powers expressing their desire to do so, shall be ratified as soon as possible. The ratifications shall be deposited at The Hague.

A proces verbal of the deposit of the ratifications shall be drawn up and a copy thereof, duly certified, shall be delivered through the diplomatic channel to all the Contracting Powers.

ARTICLE 5.

The nonsignatory Powers are permitted to adhere to the present Convention after October first, 1905.

They shall, to that end, make their adhesion known to the Contracting Powers by means of a written notification addressed to the Government of the Netherlands and communicated by the latter to the other Contracting Powers.

ARTICLE 6.

In the event of one of the High Contracting Powers denouncing the present Convention, such denunciation shall not take effect until one year after the notification made in writing to the Government of the Netherlands and immediately communicated by the latter to all the other Contracting Powers. This denunciation shall only affect the notifying power.

In testimony whereof the plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at The Hague the twenty-first of December, one thousand nine hundred and four, in a single copy which shall remain filed in the archives of the Government of the Netherlands and copies of which, duly certified, shall be delivered through the diplomatic channel to the Contracting Powers.

(L. S.) VON SCHLÖZER.

(Under reservation of the declaration made at the meeting of the Conference held December 21, 1904.)

(L. S.) OKOLICSANYI D'OKOLICSNA.

(L. S.) GUILLAUME.

(L. S.) HOO WEI-TEH.

(L. S.) YOUNG CHAN MIN.

(L. S.) W. GREVENKOP CASTENSKIOLD.

(L. S.) A. DE BAGUER.

(L. S.) JOHN W. GARRETT.

(L. S.) J. ZENIL.

(L. S.) MONBEL.

(L. S.) D. G. METAXAS.

(L. S.) TUGINI.

(L. S.) NOBUKATA MITSUHASHI.

(L. S.) C^{te}. DE VILLERS.

(L. S.) N. TCHARYKOW.

(L. S.) B^r. MELVIL DE LYNDEN.

(L. S.) T. M. C. ASSER.

(L. S.) C. G. CANDAMO.

(L. S.) M. SAMAD.

(L. S.) CONDE DE SELIR.

(L. S.) J. N. PAPINIU.

(Under reservation of reciprocity and of pilotage dues.)

(L. S.) MARTENS.

(L. S.) MIL. R. VESNITCH.

(L. S.) RAJA NUPRAPHANDH.

(L. S.) CARLIN.

Certified to as a true copy :

HANNEMA,
*Secretary-General of the Ministry of
Foreign Affairs of the Netherlands.*

[Translation.]

FINAL ACT.

At the moment of proceeding to sign the Convention having for its object the exemption of hospital ships in time of war in the ports of the Contracting Parties from all dues and taxes imposed on vessels for the benefit of the State, the Plenipotentiaries signing the present Act express the wish that, in view of the highly humanitarian mission of these ships, the Contracting Governments may take the measures necessary in order to exempt these ships within a short time also from the payment of the dues and taxes collected in their ports for the benefit of others than the State, especially those collected for the benefit of municipalities or of private companies or persons.

In witness whereof the Plenipotentiaries have signed the present procès-verbal, which, bearing the date of this day, may be signed up to the first of October, 1905.

Done at The Hague, the twenty-first of December, nineteen hundred and four, in a single copy, which shall remain on file in the archives of the Government of the Netherlands, and of which certified copies shall be delivered through the diplomatic channel to the Powers signing the aforementioned Convention.

The plenipotentiary of H. M. the Emperor of Germany, King of Prussia

v. SCHLÖZER.

The plenipotentiary of His Imperial and Royal Apostolic Majesty

OKOLICSANYI D'OKOLICSNA.

The plenipotentiary of H. M. the King of the Belgians

GUILLAUME.

The plenipotentiary of H. M. the Emperor of China

HOO WEI-TEH.

The plenipotentiary of H. M. the Emperor of Korea

Y. C. MIN.

The plenipotentiary of H. M. the King of Denmark

W. GREVENKOP CASTENSKIOLD.

The plenipotentiary of H. M. the King of Spain

A. DE BAGUER.

The plenipotentiary of the United States of America

JOHN W. GARRETT.

The plenipotentiary of the United Mexican States

J. ZENIL.

The plenipotentiary of the French Republic

MONBEL.

The plenipotentiary of H. M. the King of the Hellenes

D. G. METAXAS.

The plenipotentiary of H. M. the King of Italy

TUGINI.

The plenipotentiary of His Majesty the Emperor of Japan

NOBUKATA MITSUHASHI.

The plenipotentiary of H. R. H. the Grand Duke of Luxemburg, Duke of Nassau

C^{te}. DE VILLERS.

The plenipotentiary of H. H. the Prince of Montenegro

N. TCHARYKOW.

The plenipotentiary of Her Majesty the Queen of the Netherlands

T. M. C. ASSER.

The plenipotentiary of the Peruvian Republic

C. G. CANDAMO.

The plenipotentiary of H. I. M. the Shah of Persia

M. SAMAD.

The plenipotentiary of H. M. the King of Portugal and of the Algarves, etc.

CONDE DE SELIR.

The plenipotentiary of H. M. the King of Roumania

J. N. PAPINIU.

The plenipotentiary of H. M. the Emperor of All the Russias

MARTENS.

The plenipotentiary of H. M. the King of Servia

VESNITCH.

The plenipotentiary of H. M. the King of Siam

RAJA NUPRAPHANDH.

The plenipotentiary of the Swiss Confederation

CARLIN.

Certified to as a true copy.

HANNEMA,

*Secretary General of the Ministry of
Foreign Affairs of the Netherlands.*

And whereas, the said Convention was duly ratified by the Government of the United States of America, by and with the advice and consent of the Senate thereof, and by the governments of the other signatory powers, with the exception of Spain, Italy, Persia, and Servia;

And whereas, in pursuance of Article IV of the said Convention the ratifications thereof were deposited at The Hague on the 26th day of March, 1907, by the Plenipotentiaries of the United States of America, Germany, Austria-Hungary, Belgium, China, Denmark, Mexico, Greece, Japan, both for Japan and Korea, Luxemburg, Montenegro, The Netherlands, Peru, Portugal, Roumania, Russia, Siam, and Switzerland, and on the 10th day of April, 1907, by the Plenipotentiary of the Government of France;

And whereas, in pursuance of Article V of the said Convention, the Government of Guatemala, on March 24, 1906, and the Government of Norway, on January 8, 1907, made their adherence to the said Convention known to the Contracting Powers by means of written notifications addressed to the Government of the Netherlands;

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

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this twenty-first day of May, in the year of our Lord one thousand nine hundred and seven, and of the Independence of the United States of America [SEAL.] the one hundred and thirty-first.

THEODORE ROOSEVELT.

By the President:

ELIHU ROOT,

Secretary of State.

SPEECH FROM THE THRONE AT THE OPENING OF THE SESSION OF
THE STATES-GENERAL.

File-No. 1359/5-6.

Minister Hill to the Secretary of State.

No. 308.]

AMERICAN LEGATION,
The Hague, September 19, 1907.

SIR: I have the honor to state that the ordinary session of the States-General of the Netherlands was opened by Her Majesty the Queen, accompanied by His Royal Highness the Prince of the Netherlands, on the 17th instant, their Majesties being attended by a full suite and an escort of cavalry.

An alteration in the route was made by the stately procession this year; the widened street, Heulstreet, and the heightened track through the avenue of lindens being adopted for the first time in this annual ceremony. The route was lined by an exceptionally large and enthusiastic crowd, who accorded their sovereign a hearty greeting the whole length of the route.

In deference to the demands of the Second Peace Conference, which holds its sessions in the Knights Hall, the United Chambers assembled in the second chamber of the States-General. In addition to Senators and Representatives, the Cabinet Ministers were in attendance, as also, in their respective lodges, the high officers of Government, the diplomatic corps, and also the first delegates of the Second Peace Conference.

I inclose herewith a copy of the speech from the Throne, in duplicate, together with translation.

It will be observed that in the commencement of her speech the Queen refers to the Second Peace Conference and gives expression to her interest in its proceedings. The speech then goes on to speak of the friendly relations existing with all the foreign powers; the general prosperous condition of the country and the colonies, the one baneful fact being the outbreak of the foot-and-mouth disease among cattle; the growth of commerce; the devotion exhibited by the navy and army and civil officers in the country's interests; the measures which will be submitted for debate, and, in invoking God's blessings on the deliberations of the Parliament, Her Majesty declares the session to be opened.

Among the measures to be introduced or revised the following are mentioned:

Modification of the Commercial Code; the law relating to minors; the institution of a Government disinfecting service; improvement in the coast defenses and the militia law; commencement of the recovery of the Zuider Zee; removal of obstacles in the river Waal; employees' insurance; prevention of the pollution of waters; improved veterinary supervision, and strengthening of Netherlands Government authority, national and financial interests in the East Indies, and in Surinam and Curaçao.

The ceremony, from the time that Their Majesties started from the palace until their return, took one hour, while the lining up of the

soldiers who set off the track followed their withdrawal to the barracks, and the throng of people gave to the city a festive appearance the whole day through.

I have, etc.,

DAVID J. HILL.

[Inclosure—Translation.]

Speech.

GENTLEMEN: I appreciate the fact that I am able once more to open your sessions in person. On this occasion your united assembly is not held in the Knights Hall, but in this place, in order to avoid an interruption of the proceedings of the Second Peace Conference.

I follow the weighty task of that conference with undivided interest, and entertain the best of wishes for its success.

In many respects the general condition of the country and of the colonies affords every reason for grateful contentment.

Our relations with foreign powers continue to show this year again most friendly relationship.

Notwithstanding the cool summer the agricultural results are generally good; in the most important horticultural districts the yield is better than it has been for years past. The prospects in the cattle trade are not so favorable on account of the outbreak of the foot-and-mouth disease.

There has been a period of great activity in most branches of industry and commerce. Navigation in the harbors of the Netherlands continues to grow. With exception of general freight trade the shipping results are satisfactory.

The organization of the inland credit system in Java is beginning to indicate its beneficial effect on the economical stability of the people.

The navy and army both at home and in the colonies have carried out their duties with zeal and devotion. In regard to the civil-service officers the same testimony can be given.

Proposals respecting alterations in Chapters III and IV of the constitution will shortly be laid before you.

The proposed revision of the maritime law is so far advanced that a bill looking to the modification of the greater part of the second volume of the Commercial Code and of the provisions in connection therewith in other legal works may soon be expected.

Moreover a proposition having in view the alteration of that part of the law relating to minors and civil rights, as also a motion for the revision of the law regarding judiciary organizations, which will give rise to the speedy determination of certain proposals connected with the proposed administrative decisions question which is pending.

Your aid will be invited toward the institution of a government disinfecting service.

Plans for better defense of the coast will be introduced.

A bill for the further revision of the militia law and the supplementing and revision of some of the provisions of the land defense law are in preparation.

A scheme for the commencement of a portion of the inclosure of the Zuyder Zee and the recovery of the Wieringa Meer will at no distant date be submitted to you.

Plans regarding the carrying out of works looking to the removal of the obstacles which navigation on the Waal experiences at low water are being considered.

The promised bills regarding the employees' insurance and the prevention of mishaps at sea will reach you shortly; the other announced measures relating to social legislature are far advanced.

A revision of the preventive law has been drawn up, tending among other matters toward the rendering of that law effective in combating the pollution of water and to improve the supervision of the execution of the law.

Bills having in view the introduction of a general examination of butcher's meat and the realization of certain revisions of the law relating to the government veterinary service and the veterinary police regulations will be laid before you.

Serious efforts are being made to strengthen the authority of the Netherlands in different parts of the East Indies archipelago in the interest of the people residing in those districts.

Bills have been undertaken for the purpose of giving extension to the traffic along the coast of the Netherlands Indies and toward establishing the indication of Netherlands citizenship of such persons as are native to the Netherlands Indies.

Within a short time proposals will be submitted to your judgment regulating the method of control and responsibility regarding financial matters of the colonies of Surinam and Curacoa.

May your arduous task, under God's blessing, tend to the prosperity of the nation.

I hereby declare the ordinary session of the States-General to be opened.

SECOND PEACE CONFERENCE AT THE HAGUE.

See p. 1099.

NICARAGUA, COSTA RICA, AND SALVADOR.

TREATY BETWEEN THE UNITED STATES AND NICARAGUA FOR THE EXTRADITION OF CRIMINALS.

Signed at Washington March 1, 1905.

Ratification advised by the Senate March 16, 1905.

Ratified by the President June 11, 1907.

Ratified by Nicaragua April 26, 1907.

Ratifications exchanged at Washington June 14, 1907.

Proclaimed June 15, 1907.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and Nicaragua providing for the mutual extradition of fugitives from justice was concluded and signed by their respective plenipotentiaries at Washington, on the first day of March, one thousand nine hundred and five, the original of which Convention, being in the English and Spanish^a languages, is word for word as follows:

The United States of America and the Republic of Nicaragua, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the United States of America and the Republic of Nicaragua, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, John Hay, Secretary of State of the United States; and

The President of Nicaragua, Señor Don Luis F. Corea, Envoy Extraordinary and Minister Plenipotentiary of Nicaragua to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The Government of the United States and the Government of Nicaragua mutually agree to deliver up persons who, having been charged, as principals or accessories, with or convicted of any of the crimes and offenses specified in the following article committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be

^a Spanish text not printed.

found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime had been there committed.

ARTICLE II.

Persons shall be delivered up, according to the provisions of this convention, who shall have been charged with, or convicted of, any of the following crimes or offenses:

1. Murder, comprehending the crimes known as parricide, assassination, poisoning, and infanticide; assault with intent to commit murder; manslaughter, when voluntary.

2. Mayhem and other wilful mutilation causing disability or death.

3. The malicious and unlawful destruction or attempted destruction of railways, trains, bridges, vehicles, vessels, and other means of travel, or of public edifices and private dwellings, when the act committed shall endanger human life.

4. Rape.

5. Bigamy.

6. Arson.

7. Crimes committed at sea:

(a) Piracy, by statute or by the law of nations.

(b) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

(c) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(d) Assaults on board a ship on the high seas with intent to do grievous bodily harm.

8. Burglary, defined to be the act of breaking and entering into the house of another in the nighttime, with intent to commit a felony therein.

9. The act of breaking into and entering public offices, or the offices of banks, banking houses, savings banks, trust companies, or insurance companies, with intent to commit theft therein, and also the thefts resulting from such acts.

10. Robbery, defined to be the felonious and forcible taking from the person of another of goods or money, by violence or by putting the person in fear.

11. Forgery, or the utterance of forged papers.

12. The forgery, or falsification of the official acts of the Government or public authority, including courts of justice, or the utterance or fraudulent use of any of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, bank notes, or other instruments of public credit; of counterfeit seals, stamps, dies, and marks of State or public administration, and the utterance, circulation, or fraudulent use of any of the above-mentioned objects.

14. The introduction of instruments for the fabrication of counterfeit coin or bank notes or other paper current as money.

15. Embezzlement or criminal malversation of public funds committed within the jurisdiction of either party by public officers or

depositories, where the amount of money embezzled is not less than two hundred dollars.

16. Embezzlement of funds of a bank of deposit or savings bank, or trust company chartered under Federal or State laws, where the amount of money embezzled is not less than two hundred dollars.

17. Embezzlement by any person or persons hired or salaried to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed, and where the amount of money or the value of the property embezzled is not less than two hundred dollars.

18. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons in order to exact money from them or their families, or for any unlawful end.

19. Obtaining by threats of injury, or by false devices, money, valuables, or other personal property, and the receiving of the same with the knowledge that they have been so obtained, when such crimes or offenses are punishable by imprisonment or other corporal punishment by the laws of both countries, and the amount of money or the value of the property so obtained is not less than two hundred dollars.

20. Larceny, defined to be the theft of effects, personal property, horses, cattle, or live stock, or money, of the value of twenty-five dollars or more, or receiving stolen property, of that value, knowing it to be stolen.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than two hundred dollars.

22. Perjury; violation of an affirmation or a promise to state the truth, when required by law; subornation to commit said crimes.

23. Bribery, defined to be the giving, offering or receiving of a reward to influence one in the discharge of a legal duty.

24. Extradition shall also be granted for the attempt to commit any of the crimes and offenses above enumerated, when such attempt is punishable as a felony by the laws of both contracting parties.

ARTICLE III.

A person surrendered under this convention shall not be tried or punished in the country to which his extradition has been granted, nor given up to a third power for a crime or offense, not provided for by the present convention and committed previously to his extradition, until he shall have been allowed one month to leave the country after having been discharged; and, if he shall have been tried and condemned to punishment, he shall be allowed one month after having suffered his penalty or having been pardoned. He shall moreover not be tried or punished for any crime or offense provided for by this convention committed previous to his extradition, other than that which gave rise to the extradition, without the consent of the Government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in Article XI of this convention.

The consent of that Government shall likewise be required for the extradition of the accused to a third country; nevertheless, such consent shall not be necessary when the accused shall have asked of his own accord to be tried or to undergo his punishment, or when he shall not have left within the space of time above specified the territory of the country to which he has been surrendered.

ARTICLE IV.

The provisions of this convention shall not be applicable to persons guilty of any political crime or offense or of one connected with such a crime or offense. A person who has been surrendered on account of one of the common crimes or offenses mentioned in Article II shall consequently in no case be prosecuted and punished in the State to which his extradition has been granted on account of a political crime or offense committed by him previously to his extradition, or on account of an act connected with such a political crime or offense, unless he has been at liberty to leave the country for one month after having been tried and, in case of condemnation, for one month after having suffered his punishment or having been pardoned.

ARTICLE V.

Neither of the contracting parties shall be bound to deliver up its own citizens under the stipulations of this convention, but the executive authority of each shall have the power to deliver them up, if, in its discretion, it be deemed proper to do so.

ARTICLE VI.

If the person whose surrender may be claimed, pursuant to the stipulations of the present convention, shall have been accused or arrested for the commission of any offense in the country where he or she has sought asylum, or shall have been convicted thereof, his or her extradition may be deferred until he or she is entitled to be liberated on account of the offense charged, for any of the following reasons: acquittal; expiration of term of imprisonment; expiration of the period to which the sentence may have been commuted, or pardon.

ARTICLE VII.

If a fugitive criminal claimed by one of the parties hereto shall be also claimed by one or more powers, pursuant to treaty provisions on account of crimes or offenses committed within their jurisdiction, such criminal shall be delivered up in preference in accordance with that demand which is the earliest in date, unless the State from which extradition is sought is bound to give preference otherwise.

ARTICLE VIII.

Extradition shall not be granted, in pursuance of the provisions of this convention, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE IX.

On being informed by telegraph or otherwise, through the diplomatic channel, that a warrant has been issued by competent authority for the arrest of a fugitive criminal charged with any of the crimes enumerated in the foregoing articles of this treaty, and on being assured from the same source that a requisition for the surrender of such criminal is about to be made, accompanied by such warrant and duly authenticated depositions or copies thereof in support of the charge, each government shall endeavor to procure the provisional arrest of such criminal and to keep him in safe custody for such time as may be practicable, not exceeding sixty days, to await the production of the documents upon which the claim for extradition is founded.

ARTICLE X.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the contracting parties, or, in the event of the absence of these from the country or its seat of government, they may be made by superior consular officers.

If the person whose extradition may be asked for shall have been convicted of a crime or offense, a copy of the sentence of the court in which he has been convicted, authenticated under its seal, with attestation of the official character of the judge, by the proper executive authority, and of the latter by the minister or consul of the United States or of Nicaragua, respectively, shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions upon which such warrant has been issued, must accompany the requisition as aforesaid.

ARTICLE XI.

The expenses of the arrest, detention, examination and delivery of fugitives under this convention shall be borne by the State in whose name the extradition is sought: Provided, that the demanding government shall not be compelled to bear any expenses for the services of such officers of the government from which extradition is sought as receive a fixed salary; and provided that the charge for the services of such public officials as receive only fees shall not exceed the fees to which such officials are entitled under the laws of the country for services rendered in ordinary criminal proceedings.

ARTICLE XII.

All articles found in the possession of the accused party and obtained through the commission of the act with which he is charged, and that may be used as evidence of the crime for which his extradition is demanded, shall be seized if the competent authority shall so order and shall be surrendered with his person.

The rights of third parties to the articles so found shall nevertheless be respected.

ARTICLE XIII.

Each of the contracting parties shall exercise due diligence in procuring the extradition and prosecution of its citizens who may be charged with the commission of any of the crimes or offenses mentioned in Article II, exclusively committed in its territory against the government or any of the citizens of the other contracting party, when the person accused may have taken refuge or be found within the territory of the latter, provided the said crime or offense is one that is punishable, as such, in the territory of the demanding country.

ARTICLE XIV.

The present convention shall take effect thirty days after the exchange of ratifications, and shall continue to have binding force for six months after a desire for its termination shall have been expressed in due form by one of the two governments to the other.

It shall be ratified and its ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed the above articles both in the English and Spanish languages, and have hereunto affixed their seals.

Done, in duplicate, at the City of Washington, this first day of March, one thousand nine hundred and five.

JOHN HAY [SEAL.]
LUIS F. COREA [SEAL.]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Washington, on the fourteenth day of June, one thousand nine hundred and seven:

Now, therefore, be it known, that I, THEODORE ROOSEVELT, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this fifteenth day of June, in the year of our Lord one thousand nine hundred and seven, and [SEAL.] of the Independence of the United States the one hundred and thirty-first.

THEODORE ROOSEVELT.

By the President:

ELIHU ROOT,
Secretary of State.

**ELECTION OF GENERAL FERNANDO FIGEROA AS PRESIDENT OF
SALVADOR.**

File No. 4598/4.

Minister Merry to the Secretary of State.

No. 1252.]

AMERICAN LEGATION
TO COSTA RICA, NICARAGUA, AND SALVADOR,
San Jose, March 10, 1907.

SIR: I have the honor to acknowledge receipt of your telegram dated March 4,^a instructing me to express in the President's name his congratulations upon the peaceful inauguration of Gen. Fernando Figeroa as Constitutional President of El Salvador. I accordingly telegraphed his Government on 5th instant and on the 6th received the following reply:

[Translation.]

I am sincerely pleased at the courteous salutation through the medium of your excellency which President Roosevelt has been pleased to send me, and his wishes for the prosperity of this Republic, and, on my part, I beg to transmit my fervent hopes for his personal welfare and for the prosperity of the United States.

FERNANDO FIGEROA.

I have the observation to make, creditable to President Escalon, that the recent election in Salvador is the first within my observation where liberty of press and speech have been permitted, except in Costa Rica. True this liberty was largely abused and some public disturbance resulted. But it is an advance in the republican principle of government doubtless due to the nine years' attendance of Massachusetts schools by President Escalon. He alluded to the principles of liberty and truth there impressed upon him when I last met him, assuring me of his admiration and consequent comprehension of what constitutes a free government. From the time of Regalado's death he has done the best he could for his country, under conditions of much difficulty, and so far as known to me, deserves well of his people.

With assurances, etc.,

WILLIAM LAWRENCE MERRY.

**CITIZENSHIP OF PERSONS BORN OF FOREIGN PARENTS IN
NICARAGUA.**

File No. 6272/1.

Minister Merry to the Secretary of State.

No. 1277.]

AMERICAN LEGATION TO COSTA RICA,
NICARAGUA, AND SAN SALVADOR,
San Jose, Costa Rica, April 25, 1907.

SIR: I have the honor to forward herewith (inclosure No. 1) copy and translation of an official circular from the "Ministry of Government and Foreign Affairs" of Nicaragua to the "Political Chiefs"

^a Not printed.

of all departments, dated March 25 last, relating to Nicaraguan citizenship. You will notice the absolute claim, without distinction, that *all* persons born on Nicaraguan soil *are citizens of Nicaragua* regardless of parentage, and consequently liable to all forced loans and exactions placed upon all citizens of the Republic, even in greater degree if they question the authority.

It seems to me that the wording of this circular also includes all Nicaraguans who have been naturalized abroad and have returned to their native country without exception. I deem it proper to call your attention to this circular for the reason that I have already an application from Mr. Henry Cole, a native of Rivas, Nicaragua, whose father was born in the United States but for years practiced medicine at Rivas and died there. The son was educated in the United States and speaks English well. He has always considered himself a citizen of the United States, has been so treated by the local authorities, and has a passport (now expired). As he has no property upon which the Government can levy a forced loan they may not trouble him, but he fears a demand for military service and so presents his case to me. I have written him to make immediate application for a new passport and that I would do what I can to protect him. I know Mr. Cole personally as a respectable man, well known in Rivas.

This circular of Minister Gámez will doubtless cause more applications to this legation for relief from forced exactions, and, if the war continues, from military service. It will therefore be agreeable to me if you will instruct me how I am to proceed in such cases. Meanwhile I shall, as in the Cole case, request proof of American citizenship under our laws before opening any case with the Nicaraguan Government. This matter has also a special interest at this time, arising from our proposition now made to Nicaragua for a naturalization treaty.

With assurances, etc.,

WILLIAM LAWRENCE MERRY.

[Inclosure.—Translation.]

Circular from Nicaraguan Government relative to responsibility for loans and contributions from natives of Nicaragua with foreign parentage, etc.

MANAGUA, March 25, 1907.

MESSRS. POLITICAL CHIEFS: The Government has seen with regret that some Nicaraguans with the antipatriotic end of liberating themselves from the public charges and from the contributions of the natives, renounce their country and claim to be foreigners on their own soil, pretending that they are covered by the flag of their predecessors, who were European immigrants domiciliated and having died in the country, and with this proceeding to secure the inaction of the lower authorities, who many times do not know how to proceed, I give you the following instructions in order that you will bring it to the notice of all the officials under you.

Article 19 of the political constitution of 1826 establishes, that all are natives that are born in Nicaraguan territory; the article 19 of that of 1838 copies the same decision, and the 17 of that of 1858 declares that the natives of the Republic are Nicaraguans. Consequently all born on our soil under the constructional régime of these three political constitutions are and will be Nicaraguans, although when they may be sons of illustrious Europeans and not of humble foreign immigrants who, in conformity with these same constitutions, have been Nicaraguans by the act of having domiciliated themselves among us.

Consequently you can demand of these false foreigners, born before the year 1893, all the services and contributions which you demand of the sons of Nicaragua, but in the higher ratio to punish them for their want of patriotism.

You will have it thus understood and you will please order the publication of this resolution, that it may reach the notice of all.

I am your attentive and obedient servant, the minister of government and foreign relations,

GÁMEZ.

File No. 6272/1.

The Acting Secretary of State to Minister Merry.

No. 1.]

DEPARTMENT OF STATE,
Washington, May 11, 1907.

SIR: The department has received your No. 1277, of April 25, 1907, relative to the position taken by the Nicaraguan Government on the subject of the citizenship of persons born in Nicaragua of foreign parents, and submitting a circular from the Nicaraguan Government to the political chiefs, which begins as follows:

"The Government has seen with regret that some Nicaraguans, with the antipatriotic end of liberating themselves from public charges and from the contributions of natives, renounce their country and claim to be foreigners on their own soil, pretending that they are covered by the flag of their predecessors, who were European immigrants domiciliated and having died in the country," etc.

The law of Nicaragua relating to nationality was transmitted to your Legation September 25, 1906, by the minister of justice, and one article is as follows:

"1. Those born in Nicaragua of Nicaraguan parents or of foreigners domiciled therein" are Nicaraguans. (Report of the Citizenship Board, p. 467.)

The circular which you now transmit does not, in fact, appear to go beyond the established law of Nicaragua, and, in the absence of any cases of its enforcement to the oppression of American citizens, seems to require no representation from this Government.

You state, however, that Mr. Henry Cole, a native of Nicaragua, whose father was born in the United States and who was himself educated in this country, has applied to you for a passport, and you ask whether he should be granted one. You add that he has one which is about to expire and has always been treated as an American by the local authorities. If he is prepared to comply with the rules governing applications for passports, the department sees no reason for his not receiving a passport, and applications for passports from persons similarly situated may also be granted.

It does not seem necessary to anticipate a conflicting claim on the part of the Nicaraguan Government to the services of those who are in good faith American citizens, and if cases of such conflict should arise in the future, their treatment would depend largely upon the circumstances surrounding each case.

I am, etc.,

ROBERT BACON.

File No. 8352/1.

Minister Merry to the Secretary of State.

No. 4.]

AMERICAN LEGATION TO COSTA RICA,
NICARAGUA, AND SAN SALVADOR,
San Jose, Costa Rica, August 24, 1907.

SIR: I have the honor to forward herewith (inclosure No. 1) printed copy and translation of instructions from the British minister at Guatemala City, addressed to the British consul at San Juan del Norte, and by him to the vice-consul at Bluefields, who publishes them for the information of British subjects on the Atlantic coast of Nicaragua. You will note thereby that the British Government practically abandons the protection of the "children of British fathers who, having been born in Nicaragua, remain within the jurisdiction of that Government." That this is the result of the note remains proven by the fact that the Managua Government now claims the allegiance of all natives born in Nicaragua, with the right to tax and make them pay forced loans and perform military service.

In registering American citizens in Central America, the consular officers are finding many of them under same conditions and others who are naturalized citizens, without interests in the United States or really intending to return there, although they so aver when asking registry. My attention having been specially called to this on the Atlantic coast of Nicaragua, I have replied that an intention expressed under oath can not well be questioned on the first registration, but that the consular officer can judge, if it is made in good faith, by subsequent registry, and must himself be the judge of an honest compliance with the new law, which can not fail, if properly enforced, to affect unfavorably the status of many naturalized citizens of the United States permanently domiciled in Central America.

With assurance, etc.,

WILLIAM LAWRENCE MERRY.

[Inclosure.]

BRITISH VICE-CONSULATE,
Bluefields, Nicaragua, August 2, 1907.

His Britannic Majesty's minister for Central America sent the undersigned, British vice-consul at Bluefields, for His Britannic Majesty's consul at San Juan del Norte, the following:

"You will understand that the rights of the children of British fathers born in a foreign country to British nationality and to the privileges it carries with it remain in full force anywhere but in the country of their birth, and even there, too, if the laws of that country do not determine otherwise. But if that country claims their allegiance, and they choose to remain there in spite of that fact, His Majesty's Government does not protect them.

"It would be well for you to let this be known to the British subjects in your consular district."

I call the attention of British subjects to the above decisions of His Britannic Majesty's minister.

J. A. BELANGER, *Vice-Consul.*

File No. 8352/1.

The Acting Secretary of State to Minister Merry.

No. 5.]

DEPARTMENT OF STATE,
Washington, September 11, 1907.

SIR: The department has received your dispatch No. 4, Nicaraguan series, dated August 24, 1907, transmitting a copy of the instructions of the British minister to Guatemala to the British consul at San Juan del Norte, Nicaragua, that the children of British fathers born in Nicaragua and remaining under the jurisdiction of that country will not be protected by the British Government. You state that there are many American citizens born in Central America of American parents; but the department does not deem it expedient or necessary to lay down any rule with reference to their status. Being under our law citizens of the United States, they may be registered as such if they are able to comply with the regulations governing registration.

You state further that many naturalized American citizens without interests in the United States or a real intention to return thereto have applied for registration, and that you have instructed American consuls that when a naturalized citizen expresses, under oath, an intention to return, his right to register can not well be questioned upon his first application.

Your attention is called to the department's circular of April 19, 1907,^a entitled "Expatriation," from which you will perceive that, under the law, a naturalized citizen who resides for two years in the country of his origin or for five years in any other foreign country shall be presumed to have accomplished expatriation from the United States; but that the presumption may be overcome upon the presentation of satisfactory evidence under the rules established by the department; and the circular states the points to which evidence to overcome the presumption must be directed. It also states that mere assertions, even under oath, that any of the reasons for continued residence exists shall not be accepted as sufficient to overcome the presumption of expatriation. Therefore, when any naturalized citizen to whom the act of March 2, 1907, refers applies for registration he should not be registered unless it is clearly established that he has not accomplished expatriation under the law. You will instruct the consuls accordingly.

I am, etc.,

ALVEY A. ADEE.

**SEARCHING OF THE PACIFIC MAIL STEAMER SAN JUAN BY
NICARAGUAN AUTHORITIES.**

File No. 7945/6-7.

Minister Merry to the Secretary of State.

[Extracts.]

No. 5, Nicaragua.] AMERICAN LEGATION TO COSTA RICA,
NICARAGUA, AND SALVADOR,
San Jose, Costa Rica, August 29, 1907.

SIR: I have the honor to advise receipt yesterday of a dispatch from Consul Olivares, Managua, dated August 7, stating that the Pacific

^a See page 3.

Mail steamship *San Juan*, en route from Panama to San Francisco and calling at Corinto en route, was searched by the Nicaraguan authorities at that port under orders from the Managua Government, notwithstanding the protest of the master, copy of which I inclose herewith. As Consul Olivares informs me that he cabled the information to you, I confine my action to communication by mail. The consul also states that it is the intention of the Government to search other northbound steamers from Panama for contraband of war, although Nicaragua claims to be at peace with her northern neighbors.

With assurances, etc.,

WILLIAM LAWRENCE MERRY.

[Inclosure.]

Marine note of protest.

AMERICAN CONSULAR SERVICE,
Port of Corinto, August 5, 1907.

On the 5th day of August, in the year of our Lord 1907, before me, H. H. Leonard, American consular agent for Corinto and the dependencies thereof, personally appeared H. L. Jones, master of the vessel called the *San Juan*, of New York, of the burden of 1,496 tons or thereabout, and declared that on the 1st day of August last past he sailed in and with the said ship from the port of Ancon, Canal Zone, laden with general merchandise, and arrived in the ship at Corinto, August 5, 7.30 a. m., and having been advised by the comandante of the port that he had orders from the President of Nicaragua to search the ship for contraband of war, I asked the comandante whether war had been declared, and his answer was "no."

Then I informed the comandante that in my judgment it was against all international law to search ship without declaration of war. His reply was that he did not wish to have any trouble over this matter, and said he would go ashore and interview the President again.

At 9.30 he returned on board ship with orders from the President to search ship. I complied with his request, informing him it would be done under protest to the United States Government; search began at 9.30 a. m. and ended at 10.30 a. m. without having found anything, and hereby enters this note of protest accordingly, to serve and avail him hereafter, if found necessary.

[SEAL.]

(Signed)

H. L. JONES, *Master.*

(Signed)

H. H. LEONARD,

American Consular Agent.

Correct copy:

WILLIAM LAWRENCE MERRY,
American Minister.

File No. 7945/6-7.

The Acting Secretary of State to Minister Merry.

[Extract.]

No. 6.]

DEPARTMENT OF STATE,
Washington, September 20, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 5, Nicaraguan Series, of the 29th ultimo, inclosing a copy of the protest of the master of the Pacific Mail steamship *San Juan* against the searching of that vessel at Corinto by the Nicaraguan authorities.

In reply I inclose herewith, for your information, a copy of the department's instruction to the consul at Managua, in answer to his telegram reporting the search of the vessel.

I am, etc.,

ALVEY A. ADEE.

[Inclosure.]

The Secretary of State to Consul Olivares.

No. 28.]

DEPARTMENT OF STATE,
Washington, August 10, 1907.

SIR: I have to acknowledge the receipt of your telegram of the 7th instant reporting the searching at Corinto of the Pacific Mail steamship *San Juan* by the Nicaraguan authorities.

In reply I have to state that it is not seen that this Government can prevent the searching of our trading vessels in the ports of a foreign country. If the master or owner wishes to make a protest he should be afforded all proper opportunities to do so, and if he has any complaint to lay before this department it will have due consideration upon its merits.

I am, etc.,

W. J. CARR, *Chief Clerk.*
(For the Secretary of State.)

NORWAY.

DEATH OF THE MINISTER OF NORWAY TO THE UNITED STATES.

File No. 7370/3.

The Norwegian Chargé to the Secretary of State.

LEGATION OF NORWAY,
Washington, December 19, 1907.

SIR: It is with the deepest sorrow that I have the honor to inform your excellency that I have received a cablegram from the foreign office at Christiania advising me that my beloved chief, Mr. Hauge, died from heart disease this afternoon.

Accept, etc.,

O. SKYBAK.

File No. 7370/3.

The Acting Secretary of State to the Norwegian Chargé.

DEPARTMENT OF STATE,
Washington, December 20, 1907.

SIR: I have the honor to acknowledge with sincere regret the receipt of your note of the 19th instant stating that you have received a cablegram from the Norwegian foreign office announcing the sudden death yesterday afternoon of Mr. Christian Hauge, minister of Norway to the United States.

The agreeable official and social relations which Mr. Hauge has maintained with this Government and its officers will cause his loss to be most keenly felt, and I desire to convey to His Majesty's Government, yourself, and Mr. Hauge's family our sincerest condolences.

Accept, etc.,

ROBERT BACON.

File No. 7370/2 a.

The Secretary of State to Minister Peirce.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 20, 1907.

Convey to Mrs. Hauge an expression of sincere sympathy and regret over the death of her husband, whose loss we shall feel deeply in America.

ROOT.

File No. 7370/4.

*The Norwegian Chargé to the Secretary of State.*LEGATION OF NORWAY,
Washington, December 21, 1907.

SIR: I have the honor to acknowledge the receipt of your excellency's note of the 20th instant, wherein your excellency has been kind enough to convey to my Government, Mrs. Hauge's family, and myself your condolence on account of Mr. Hauge's sudden death.

I have the honor to tender your excellency my best thanks for your excellency's very kind words, which I am sure will be highly appreciated as well by my Government and Mr. Hauge's family as they are by myself.

I will take much pleasure in communicating to my Government and Mr. Hauge's family as well the contents of your excellency's note as the kind and sympathetic sentiments your excellency was so good as to express to me verbally.

Accept, etc.,

O. SKYBAK.

TREATY BETWEEN GREAT BRITAIN, FRANCE, GERMANY, NORWAY, AND RUSSIA RESPECTING THE INDEPENDENCE AND TERRITORIAL INTEGRITY OF NORWAY.

File No. 6924/3-4.

Minister Peirce to the Secretary of State.

[Extract.]

No. 85.]

AMERICAN LEGATION,
Christiania, November 6, 1907.

SIR: I have the honor to inclose herewith a copy and translation of a note, just received, from the minister of foreign affairs, informing me that the Governments of Norway, France, and Great Britain have, on November 2, signed a declaration concerning the abrogation, as regards Norway, of the treaty of November 21, 1855, between the United Kingdoms of Norway and Sweden and France and Great Britain, guaranteeing the integrity of the Scandinavian Peninsula, and that immediately thereafter a treaty concerning the integrity of Norway was signed by Mr. Lövlund, on the part of this Government, together with the diplomatic representatives of Germany, France, Great Britain, and Russia, who were duly authorized by their respective Governments to that end.

The minister informs me further that, Norway having made the reservation that the treaty shall be submitted to the Storting before ratification, the text of neither the declaration of abrogation nor of the treaty shall be published until after ratification.

I have, etc.,

HERBERT H. D. PEIRCE.

[Inclosure.—Translation.]

*The Minister for Foreign Affairs to Minister Pierce.*FOREIGN OFFICE,
Christiania, November 4, 1907.

MR. MINISTER: I have the honor to inform you that upon the 2d of this month, the undersigned, together with the minister of France and the British

chargé d'affaires at Christiania, duly authorized by their respective Governments, have signed a declaration concerning the abrogation, as regards Norway, France, and Great Britain, of the treaty concluded by Norway and Sweden with France and Great Britain, concerning the integrity of the United Kingdoms of Norway and Sweden and signed at Stockholm November 21, 1855.

Immediately after the signature of that declaration, a treaty concerning the integrity of Norway was signed by the undersigned and the diplomatic representatives of Germany, France, Great Britain, and Russia, duly authorized to that effect.

Norway having made the reservation of submitting the treaty to the Storting before its ratification, it has been agreed not to publish the text of the declaration and of the treaty before the ratification of the latter.

Please to accept, etc.,

J. LÖVLAND.

File No. 6924/7-9.

Minister Peirce to the Secretary of State.

No. 98.]

AMERICAN LEGATION,
Christiania, February 12, 1908.

SIR: I have the honor to inclose herewith a copy of the text of the treaty guaranteeing the integrity of Norway signed by the plenipotentiaries of Germany, France, Great Britain, Norway, and Russia, on November 2, 1907, approved by the unanimous vote of the Storting on January 18 last, and ratifications exchanged on February 6, 1907.

I inclose also the declaration signed by the plenipotentiaries of Norway, France, and England on November 2, 1907, abrogating the treaty concluded by these powers with Norway and Sweden and signed November 21, 1855.

These documents have been received by me to-day, accompanied by a note from the minister of foreign affairs.

I have, etc.

HERBERT H. D. PEIRCE.

[Inclosure 1.—Translation.]

TREATY BETWEEN THE UNITED KINGDOM, FRANCE, GERMANY, NORWAY, AND RUSSIA,
RESPECTING THE INDEPENDENCE AND TERRITORIAL INTEGRITY OF NORWAY.

[Signed at Christiania, November 2, 1907.]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the German Emperor, King of Prussia; the President of the French Republic; His Majesty the King of Norway; and His Majesty the Emperor of All the Russias, animated by the desire to secure to Norway, within her present frontiers and with her neutral zone, her independence and territorial integrity, as also the benefits of peace, have resolved to conclude a treaty to this effect, and have named as their respective plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Mr. W. G. Max Müller, British chargé d'affaires at Christiania;

His Majesty the German Emperor, King of Prussia, M. de Treutler, his envoy extraordinary and minister plenipotentiary at Christiania;

The President of the French Republic, M. Delavaud, envoy extraordinary and minister plenipotentiary at Christiania;

His Majesty the King of Norway, M. J. Lövlund, his minister of state and minister of foreign affairs;

His Majesty the Emperor of All the Russias, M. A. de Kroupensky, his envoy extraordinary and minister plenipotentiary at Christiania;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

ARTICLE I.

The Norwegian Government undertake not to cede any portion of the territory of Norway to any power to hold on a title founded either on occupation, or on any other ground whatsoever.

ARTICLE II.

The German, French, British, and Russian Governments recognize and undertake to respect the integrity of Norway.

If the integrity of Norway is threatened or impaired by any power whatsoever, the German, French, British, and Russian Governments undertake, on the receipt of a previous communication to this effect from the Norwegian Government, to afford to that Government their support, by such means as may be deemed the most appropriate, with a view to safeguarding the integrity of Norway.

ARTICLE III.

The present treaty is concluded for a period of ten years from the day of the exchange of ratifications. If the treaty is not denounced by any of the parties at least two years before the expiration of the said period, it will remain in force, in the same manner as before, for a further period of ten years, and so on accordingly.

In the event of the treaty being denounced by one of the powers who have participated with Norway in the conclusion of the present treaty, such denunciation shall have effect only as far as that power is concerned.

ARTICLE IV.

The present treaty shall be ratified and the ratifications shall be exchanged at Christiania as soon as possible.

In witness whereof the plenipotentiaries have signed the present treaty and have affixed thereto their seals.

Done in quintuplicate at Christiania, 2d November, 1907.

W. G. MAX MÜLLER.	[L. S.]
C. VON TREUTLER.	[L. S.]
DELAUUD.	[L. S.]
J. LÖVLAND.	[L. S.]
A. KROUPENSKY.	[L. S.]

[Inclosure 2.—Translation.]

DECLARATION.

The undersigned, duly authorized by their respective Governments, declare that in consequence of the dissolution of the union between Norway and Sweden, the treaty concluded by Norway and Sweden with France and Great Britain concerning the integrity of the United Kingdoms of Norway and Sweden, and signed at Stockholm on November 21, 1855, has ceased to be in operation as far as concerns the three Governments since the date of the above-mentioned dissolution.

Done in triplicate at Christiania, the 2d day of November, 1907.

J. LÖVLAND.	[L. S.]
DELAUUD.	[L. S.]
W. G. MAX MÜLLER.	[L. S.]

PANAMA.

PROTECTION OF CHINESE INTERESTS IN PANAMA.

File No. 6610.

Minister Squiers to the Secretary of State.

No. 98.]

AMERICAN LEGATION,
Panama, May 10, 1907.

SIR: I have the honor to bring to the attention of the department, a foreign office note, dated January 29 last, with regard to the administration of the estate of Wan Fok, a Chinese subject. It is alleged that this estate was administered by Mr. D. R. Hand, in his official capacity, as consular agent of the United States at Bocas del Toro. A translation of this note is inclosed herewith.

I immediately wrote to Mr. Hand, who had, it appears, resigned sometime before, and had left the country, which explains the delay in reporting the case. A reply from Mr. Hand was received on the 9th instant, copy of which is inclosed herewith.

In inviting the attention of the department to the foreign office's inquiry, as to the authority of American consular officers in Panama to settle estates of deceased Chinese, as they would in the case of an American citizen, I beg to ask whether the general instructions to consular officers in the absence of Chinese consular officers, to look after the general interests of Chinese residing here, extends to this legation. The consul-general has reported as to certain illegal treatment of Chinese by the municipal authorities. I have not taken up the matter with the foreign office, as I am uncertain as to my duty in the premises.

I have, etc.,

H. G. SQUIERS.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Minister Squiers.

DEPARTMENT OF GOVERNMENT AND FOREIGN RELATIONS,
Panama, January 29, 1907.

MR. MINISTER: In his dispatch No. 324, dated January 25 current, the first judge of the circuit of Bocas del Toro communicates the following to this department:

"On the 9th of December, 1902, on the strength of a note from the consular agent of the United States containing information of the death of a Chinese, one Won Fok, on November 19 of the same year * * * the judge of this circuit began on this same date above mentioned legal proceedings to prevent the loss or diminution of the estate of the deceased, who was a partner * * * in the firm of Won Cuy Mon & Co., of this place.

"Mr. R. D. Hand, consular agent of the United States, on the 10th of January, 1903, communicated by a dispatch to the judge of this circuit that by virtue of the public treaty existing between the two Republics—the United States and Colombia—the said consul has taken possession of the estate of the above-named firm, and had proceeded to inventory and appraise the property with the assistance of two merchants of this place in good standing. He inclosed this inventory at the same time, in which he appraised the property of this firm at \$19,654.77.

"This matter to which I refer, came, in the division of July 8, 1904, under the cognizance of the second judge of this circuit; at this time this matter is before the court in consequence of Law 30 of 1906.

"On November 12, 1904, the second judge of this circuit, by the usual legal document, declared the estate of the deceased Won Fok not settled, and named Mr. Herbert Leer executor, but up to the present time this estate has not been turned over to him for administration, because, according to the documents in the case, the consular agent, Mr. Hand, has been absent from this city since the month of January, 1905, without having returned and it is impossible to obtain information as to the present status of the estate, in spite of every effort which has been made with this object in view. * * *

In view of the above communication I beg that your excellency will cause an investigation to be made into the status of the estate of Won Fok as left by Mr. Hand, American consular agent in Bocas del Toro, in order to facilitate the delivery of the estate to the legally appointed judicial depositary, Mr. Leer.

I shall esteem it a favor, also, if your excellency will call the attention of the consular officers of the United States in Panama to the fact that they are not warranted in assuming the settlement of the estates of Chinese subjects in the same manner as those of American citizens, for the representation by American consular officials which this department recognizes and accepts in matters pertaining to Chinese interests, should not lead these Chinese to believe that they are covered by the stipulations of the public treaties existing between the United States and Panama.

I take this opportunity, etc.,

RICARDO ARIAS.

[Inclosure 2.]

Mr. Hand to Minister Squiers.

TULIO, TEX., April 20, 1907.

SIR: I am in receipt of your letter of February 1, forwarded to me by the consular agent at Bocas del Toro, requesting the facts connected with the matter of the estate of one Won Fok, a Chinaman, and asking me to advise you by what authority I took over the estate of a Chinese subject.

I must draw on my memory for the facts, as I have no records or data here pertaining to these matters, but if there may be some inaccuracies as to minor detail, the statement of the facts in the case, as hereinafter written, are substantially correct. I will answer your latter request first.

At one time, during my incumbency at Bocas del Toro, I received a letter from the Department of State, through the American consul at Colon, directing the American consular agent at Bocas del Toro to extend his good offices to the Chinese residents of his district, so far as he could do so with the consent of the local government, or words to that effect.

This was done at the request of the Chinese minister at Washington, who was petitioned to take this step by a number of the Chinese merchants of Bocas del Toro, with my consent.

I presented this letter from the Department of State to the highest government authority at Bocas del Toro, Mr. Serafin Jovene (Bocas del Toro was then a part of the Provincia de Colon), and asked the alcalde if he would informally recognize me as the consular representative of the Chinese residents. The alcalde said that he was pleased with the idea; that the Chinese could neither understand nor make themselves understood, and that he would like to have as much as possible of the necessary business between the local government and the Chinese transacted through me, and he forthwith recognized me as such consular representative, pending the approval of the governor of Panama. (Panama was then a State of Colombia.)

I will add here that during the year of my residence in Bocas del Toro I did a great deal of work with and for the Chinese, and that I never charged or received from Chinamen a fee, commission, or other remuneration.

I never interceded for a Chinaman nor performed any services for them in a consular capacity without first stating that I was acting informally as their consular representative, and asking the consent of whatever official I was then dealing with for the particular case in hand, and I never failed to have such consent courteously conceded, with one single exception, when a Chinese merchant was being blackmailed, badgered, and shamefully treated by a clique of unscrupulous parties.

So much for the authority. As to the facts connected with what you term in your letter as my "Administration of the estate of Wan Fok," I have to say:

I arrived in Bocas del Toro on November 10, 1902, an invalid, after having submitted to a surgical operation for abscess of liver, and after having been in hospital a little less than a year. Shortly after my arrival, probably on the date you mention, November 19, 1902, I was advised by a Chinaman of the death of a Chinese merchant, of whose name I have no recollection.

Probably this was the Wan Fok you refer to, as this was the only case in which I was interviewed in any way on the death of a Chinaman, and the circumstances in this case were as follows:

I can not recall names, so will say: A came to me and stated that B had died; that C, the principal owner of the business, was in China. That C was a man of some wealth. That B was C's cousin and owned a small share in the business besides receiving a salary. That C had, before leaving Bocas del Toro for China, executed a general power of attorney in favor of B. A was a distant relative of B and C and was working for a very small salary, in addition to which he received at the end of the year's service a stated amount of stock in the business. On the death of B, A proceeded at once to invoice the stock with the assistance of three other clerks employed in the business. That the authorities had notified him that they would take possession of the effects, including the store and stock of goods, make an inventory, and place all the effects in deposit in the hands of a curator.

That the stock consisted largely of fine China silks, embroideries, etc., that were so packed and made up that they could not be opened, taken out, and examined and repacked again by any but Chinamen without serious deterioration, and that three appraisers appointed by the court would not be competent to appraise such goods after seeing them. While these Chinese themselves could correctly invoice and value them by the marks on the packages.

That the stock of goods further consisted of general merchandise, including a general assortment of liquors and wines.

This Chinamen A knew, and I knew, that if three appraisers were appointed to invoice this stock that fees and stamped paper would be a considerable expense; that [persons might] steal and carry away a large amount of valuable merchandise, and that if the store was locked up, nominally in possession of a "depositorio" or curator, rats, roaches, and mildew would damage all and ruin a great deal of the stock. And the Chinamen A asked me if there was any way to avoid this invoicing by irresponsible shyster lawyers and hangers-on about the government offices, and the subsequent locking up of the store.

I told him to send two cables at once to C, to return one via Mobile and San Francisco (we then had two mails a week from Bocas del Toro to Mobile) and the other through their correspondents in Panama, advising C that if he could not return immediately he must send general power of attorney to A or to myself, or to someone else.

I then laid the case before the authorities and told them that if they would allow these Chinamen to complete their inventory, I would give them a copy of the same properly written out in Spanish, receipted and verified by three responsible merchants, and would nominate a "depositorio" or curator, who would give bond for one and a half times the value of the effects, and they, the government authorities, could appoint him formally as depositario or curator. The authorities consented to do this and during these negotiations I suffered a relapse and became confined to bed.

I employed a young lawyer, a native of the city of Panama, to write out the inventory, which I dictated to him from my bed. When I became too ill to do even this, I paid the young man \$3 a day for his services and let him go, as he was incompetent and could not proceed with the work without me.

I then became so ill that I lost all knowledge of business matters of any kind and lay at the point of death for over a month. My physician said, and it was generally known in Bocas del Toro, that I could not recover.

I was so ill that I never knew when the Chinaman A came and took away his inventory and other papers, and do not know whatever became of the inventory written in Spanish by my assistant. I never asked him to reimburse me for the funds actually paid out by me in the matter and he never did so. Then I consented to be carried by a friend to the United States where I was in hospital for eleven months, and did not return to Bocas del Toro until March, 1904. Then ill health again made it impossible for me to remain there and I came [at] once to the United States and never returned to Bocas del Toro, shall never be physically able to go there again.

The government authorities all knew of my illness, knew that I was practically in a dying condition, knew that I did not supply them with copy of inventory, as I agreed to and intended to, knew that I did not nominate a curator for them to appoint. My illness was so severe that it obliged me to let all my own business and the business of others go as it would or could, and it went very badly. When I left the authorities and everyone else supposed that I would not live but a few days.

There was never any administration of this or any other estate of any Chinaman by me, and no part of the effects of this or any other Chinese estate ever came for one moment into my possession or under my control.

I believe [this] covers the whole ground. I am sorry to burden with so long a letter, but it may be best to have this matter threshed out at one sitting.

I am, etc.,

D. R. HAND,

(Formerly American Consular Agent at Bocas del Toro.)

File No. 6610.

The Acting Secretary of State to Minister Squiers.

No. 43.]

DEPARTMENT OF STATE,

Washington, May 27, 1907.

SIR: I have to acknowledge the receipt of your No. 98, of the 10th instant, in which you inquire whether the general instructions issued by the department to consular officers in Panama to look after the general interests of the Chinese residing in Panama in the absence of Chinese consular officers extend to your legation. You state that the consul-general has reported as to certain illegal treatment of Chinese by the municipal authorities, and that you have not taken up the matter with the foreign office, as you are uncertain as to your duties in the premises.

In reply I have to refer you to this department's telegram of April 7, 1905,^a to, and dispatch No. 131, of April 17, 1905,^a from, your predecessor, Mr. Barrett, in the latter of which is inclosed an order by the Panama Government granting permission to American diplomatic and consular officers to use their good offices on behalf of Chinese resident on the Isthmus. I have also to refer you to instruction No. 46, of April 17, 1905,^b to Mr. Barrett, by which the nature of the good offices to be used by our diplomatic and consular officers for the protection of Chinese subjects in Panama is indicated.

With respect to the statement made by the minister for foreign affairs in his note to you of January 29, 1907, inclosed with your dispatch under acknowledgment, that consular officers of the United

^a Printed in Foreign Relations, 1905, p. 708.

^b Incloses copy of instruction of August 27, 1902, to the American consul-general at Panama (see Foreign Relations, 1902, p. 318).

States are not warranted in assuming the settlement of the estates of Chinese subjects in the same manner as those of American citizens, I have to say that such offices as are used in Panama by our diplomatic and consular officers in behalf of Chinese subjects and interests are exercised only with the consent of the Panaman Government, and that, therefore, our officers in Panama can not undertake to administer upon estates of Chinese except with the full consent of the Panaman Government, which, it would appear from your dispatch and its inclosures, will not be given.

I am, etc.,

ROBERT BACON.

File No. 4516/2-3.

The Secretary of State to Minister Squiers.

No. 66.]

DEPARTMENT OF STATE,
Washington, December 4, 1907.

SIR: The Chinese chargé d'affaires ad interim has informally left at the department a copy of a decree of the Panaman Government, No. 14, of September 21, 1907, which establishes rules regarding Chinese, Syrians, and Turks residing in the Republic of Panama. At the same time he expressed the desire that the diplomatic and consular representatives of the United States on the Isthmus might exercise their good offices in behalf of Chinese subjects affected thereby.

Under the arrangement by which you are permitted to lend your good offices, when they are required, in favor of Chinese subjects resident in Panama you may do so when called upon with reference to matters arising under the decree in question. In a concrete case, for example, you might informally suggest a favorable exercise of such administrative discretion as might be applicable.

It is understood that the Chinese legation regards the provisions of the decree as harsh. Under these circumstances you should bear in mind that, if you are asked to communicate remonstrances against provisions of the decree, your good offices should be confined to a transmission of such representations and should not place you in a position of taking exception to such provisions in your capacity of an official of this Government.

A similar instruction has been sent to the consul-general at Panama and the consul at Colon, who are directed in a specific case to report the circumstances to the legation for its action or instructions.

A translation of the decree is inclosed herewith.

I am, etc.,

ELIHU ROOT.

[Inclosure.—Translation.]

DECREE NO. 14 OF SEPTEMBER 21, 1907, SUPERSEDING NOS. 35 OF 1904 AND 74 OF 1906, AND ESTABLISHED RULES REGARDING CHINESE, SYRIANS, AND TURKS RESIDING IN THE REPUBLIC.

The President of the Republic of Panama, in the use of his powers, and considering—

(1) That the greater part of the provisions of decrees Nos. 35 of 1904 and 74 of 1906, issued in execution of law No. 6 of 1904, have already been put into operation; and

(2) That it has been found in actual practice that some of the provisions of the said decrees do not accomplish the purposes of the law they are intended to enforce, while others are unsuitable; and

(3) That it is well known that the privileges granted by the said decrees have been abused—

Decrees:

ARTICLE 1.

Decrees Nos. 35 of April 15, 1904, and 74 of April 14, 1906, are hereby repealed.

ARTICLE 2.

The certificates of residence issued in accordance with the provisions of decree No. 35 of 1904 shall be supplemented, for the purpose of facilitating the identification of the persons to whom they belong, by adding to them the photographs of the latter. These photographs shall be pasted on the certificates to which they belong, and shall be sealed cold together with them, with the seal of the governor's office, bearing the number of the latter, signed by the governor and fastened with inviolable clasps.

For this purpose the holders of these certificates of residence shall present them personally, within ninety days following the publication of this decree, to the office of the governor of the province, accompanied by the photographs.

ARTICLE 3.

Immediately after receiving notice of this decree, mayors shall send to the governors of their provinces a list of the certificates they have issued up to date, in order that a note may be made therein that the certificates have been supplemented as provided in the foregoing article.

ARTICLE 4.

In the case of resident Chinese, Syrians, and Turks who are absent from the country, the period of ninety days referred to in article 2 of this decree shall begin to elapse on the day of their return.

ARTICLE 5.

The photographs shall not be added to any certificates which are defective or do not appear duly recorded, nor to duplicates when the original has already had the photograph added, nor to the original when the duplicates have had it added.

ARTICLE 6.

After the period established for supplementing the certificates of citizenship has expired, those in which this formality has not been fulfilled shall be considered as invalid, and the holders thereof shall be compelled to leave the country.

ARTICLE 7.

When the holder of a certificate of citizenship has lost it, he shall prove this fact by means of a sworn declaration before the governor of the province, who may make such further investigations as he deems suitable in order to ascertain all the facts, whereupon, if he is satisfied that the statement is true, he shall issue a new certificate, fulfilling all the formalities required for the certificate lost.

ARTICLE 8.

The duplicates issued by virtue of the foregoing provisions shall not be valid without being viséed by the executive department in charge of the matters relating to the enforcement of law No. 6 of 1904.

ARTICLE 9.

Chinese, Syrians, and Turks resident in the country may absent themselves therefrom whenever they desire, but they must first request a passport in writing from the governor of the province, in doing which they shall inclose their certificate in order to prove their lawful residence and in order that it may be kept in the governor's office until their return to the country.

Passports, as well as the applications therefor, shall be written on stamped paper of the third class.

ARTICLE 10.

Passports issued by governors in pursuance to the foregoing article shall refer to the certificate of residence of the person to whom they are issued, giving its number and date, and they shall contain the personal description of the applicant and have his photograph annexed in the same manner as provided in article 2 for the completion of the certificate.

ARTICLE 11.

The passports referred to in the foregoing article shall not be issued for more than two years from their date.

ARTICLE 12.

Persons who have received a passport and remain away from the country over two years shall be considered to have relinquished their rights as residents of Panama.

ARTICLE 13.

Upon their return to the country, persons receiving passports in accordance with the foregoing provisions shall present their passports to the inspector of the port of disembarkation, who, if he finds them correct, shall note the fact on them, stating that he has informed the interested party that he must go to the governor's office which issued the passport in order to obtain the certificate of residence which he left there. After these annotations have been made, the passports shall be sent to the governor's office which issued them.

Inspectors of ports shall not allow the holders of passports to land if the passports are not made out in the prescribed form or if the personal description or photographs on them do not tally with those of the holder.

ARTICLE 14.

The interested parties shall apply to the governor's office of their province in order to obtain, after identifying themselves, the certificates of residence which they left there upon leaving the country. The fact of their having thus left the country shall be noted on the said certificates, whereupon the passports shall be sent to the proper executive department for file or destruction.

ARTICLE 15.

Transportation companies who bring Chinese, Syrians, or Turks to the country en route elsewhere shall be responsible that they continue to their destination and do not remain in the country in violation of the laws. The police authorities shall lend them the necessary cooperation and assistance for this purpose.

This responsibility of each navigation company shall cease when the company with which it connects assumes it in writing, or upon the presentation of the certificate of disembarkation in the port of destination, issued by the competent authority and certified to by the consul of Panama or of a friendly nation in default of such.

ARTICLE 16.

If it should be discovered that these foreigners in transit have evaded the provisions of the law and of this decree, they shall be placed in prison, compelled to leave the country, and the transportation company responsible fined as in the case of article 2 of law 6 of 1904.

ARTICLE 17.

The foreigners referred to in law 6 of 1904 who desire to visit the country for pastime or observation may do so provided they fulfill the following formalities:

(1) First obtain permission from this office.

(2) Come provided with a certificate of personal identification issued by the diplomatic or consular officer of Panama in their country, or, in default of such, by any other official of this class of a friendly nation accredited to the country from which the visitor comes, it being necessary to paste the photograph of the interested party on the back of said certificate; and

(3) Furnish, upon their arrival, a bond for 250 balboas as a pledge that they will not remain longer than three months in the country.

ARTICLE 18.

The documents referred to under (1) and (2) of the foregoing article shall be received by the captain of the port (harbor master) in which the interested party lands. Said documents shall be sent at once to this office for file.

ARTICLE 19.

The bond referred to under (3) of the foregoing^a article shall be canceled upon presentation of a passport issued by this office and canceled by the consul of Panama or of a friendly nation stationed in the foreign port where the interested party lands.

ARTICLE 20.

The foreigners referred to in law 6 of 1904, who are members of business firms established in the Republic, may come to the country on a visit of inspection for as long as six months, provided they fulfill the same formalities as established in article 17 for such visitors in general, and provided they first prove that they are members by means of a certified copy of the proper document.

ARTICLE 21.

When any foreigner referred to in the present decree dies, it shall be necessary, when requesting permission of the mayor to bury the body, to present the certificate of residence of the deceased person for cancellation, a note of such cancellation being made in the register.

The expiration of any certificate of residence shall likewise be noted in the register, without receiving any notice, when it is known in the mayor's or governor's office that the certificate has expired, as in the case of indefinite absence from the country or death outside the jurisdiction of the place where the register is kept.

ARTICLE 22.

It is understood that under the denomination of "Turks," law 6 of 1904 includes only those from Turkey proper, European or Asiatic, and not those from its tributary dependencies.

ARTICLE 23.

A note shall likewise be made in the aforementioned register of the certificates of residence canceled for any other reason.

Let this be communicated and published.

Given at Panama, September 21, 1905.

J. D. DE OBALDIA.

RICARDO ARIAS,

Secretary of Foreign Relations.

^aThis reads "article 5" in the original, but it must be a mistake. Transl.

CONSULAR JURISDICTION OVER ESTATES OF AMERICAN CITIZENS
DYING IN PANAMA.

File No. 4108/4-8.

Minister Squiers to the Secretary of State.

No. 66.]

AMERICAN LEGATION,
Panama, March 8, 1907.

SIR: I have the honor to bring to the attention of the department two communications from H. G. Bierd, general manager of the Panama Railroad Company, dated December 20 and January 11, respectively, with regard to the settlement of estates of deceased employees of the railroad company who die outside of the Canal Zone. Mr. Bierd desired that the estates of such persons be settled by the United States consular officers in whose consular districts the deaths occur.

I referred Mr. Bierd's letters to Consul-General Shanklin here, and to Acting Consul Hyatt at Colon, and beg to inclose copies of their respective replies.

Act No. 24, section 1, of "Laws of the Canal Zone," provides that—

Whenever a citizen of the United States, who is an employee in the service of the Isthmian Canal Commission or the government of the Canal Zone, or any branch thereof, shall die in the Canal Zone, Isthmus of Panama, leaving an estate in said zone, or in the Republic of Panama, no part of which is real estate, and the entire assets belonging to said estate are personal property, and not exceeding in value the sum of five hundred dollars, and regular administration, in accordance with the provisions of law, shall not have been instituted in a court of competent jurisdiction of the Canal Zone, the collector of revenues for the Canal Zone, Isthmus of Panama, is authorized and it is hereby made his duty to take possession of the estate of such deceased person and to make a complete inventory thereof, and to file the same with the auditor of the Canal Zone, Isthmus of Panama.

but it does not seem to provide for the administration of the estates of deceased persons in the service of the Panama Railroad Company.

It appears to me that the simplest solution of the question would be to extend the limits of two consular districts so that their jurisdiction would include all the territory of the Republic of Panama outside of the Canal Zone. Therefore I recommend that the two consular districts be extended to include all of the Republic of Panama, giving consular jurisdiction over the estates of deceased Americans who die outside the limits of the Canal Zone.

I have, etc.,

H. G. SQUIERS.

[Inclosure 1.]

The general manager of the Panama Railroad Company to Minister Squiers.

PANAMA RAILROAD COMPANY,
OFFICE OF GENERAL MANAGER,
Colon, December 20, 1906.

DEAR SIR: It has been the custom for the Panama Railroad Company for a number of years to have the settlement of the estates of deceased employees made by the American consul at Colon. This method of procedure is now being objected to by the present consul, as he claims settlement should be made by Col. Tom M. Cooke, administrator of estates of the Isthmian Canal Commission.

We have never been informed that Mr. Cooke was to perform this function of making settlement of the estates of deceased American employees of the railroad company, and, if it can be done, I would be greatly obliged if the American consul should be instructed to make settlements of the estates of railroad employees as heretofore.

My object in asking you to have this arrangement continued is that it is very much more convenient for us, and I do not think that Mr. Cooke has ever received instructions to take over the settlement of deceased railroad employees' estates.

Yours, truly,

W. G. BIERD,
General Manager.

[Inclosure 2.]

General manager of the Panama Railroad Company to Minister Squiers.

PANAMA RAILROAD COMPANY,
OFFICE OF GENERAL MANAGER,
Colon, January 11, 1907.

DEAR SIR: I beg to acknowledge receipt of your communication of the 7th instant, No. 16, replying to mine of the 20th ultimo, in regard to the administration of estates of deceased Americans who may have been in the service of the Panama Railroad Company.

I note that you have advised Mr. Hyatt, vice-consul at colon, that he should take charge of the estates of all Americans who die within the limits of his consular district. I am informed that Mr. Hyatt's district does not extend to any points in the Canal Zone. Under this ruling we are denied the services of the consul or of anyone else in making settlements of the estates of deceased employees of the Panama Railroad Company who may die in the Canal Zone.

I do not know whether it will be inconsistent to ask you to have Mr. Hyatt's jurisdiction extended, as far as the settlement of estates is concerned, to points within the Canal Zone. If this is done it would make it possible for us to rely upon the consul at Colon for the settlement of estates of all Americans deceased while in the employ of the railroad company. If this is not done I do not know to whom we can apply for the settlement of estates of railroad employees who may die in the Canal Zone, inasmuch as the administrator of estates in the commission service has jurisdiction only in the settlement of estates of Isthmian Canal Commission employees.

Very truly, yours,

W. G. BIERD,
General Manager.

[Inclosure 3.]

Vice-Consul Hyatt to Minister Squiers.

AMERICAN CONSULATE,
Colon, January 22, 1907.

SIR: I beg to acknowledge receipt of your favor of January 14, inclosing copy of a letter received from Mr. W. G. Bierd, general manager Panama Railroad Company, with regard to settlement of estates of deceased persons in the employ of the Panama Railroad Company.

As you are aware, consul at Colon is only appointed for the Province of Colon, Republic of Panama. Consular Regulations, paragraph 30, page 12, states: "In no case whatever is a consular officer authorized to take jurisdiction of consular business outside of the state from the Government from which he receives his exequatur." Revised Statutes of the United States, section 1695, states: "The President is authorized to define the extent of country to be embraced in any consulate." Consul at Colon received exequatur from the Republic of Panama for the State of Colon, and appointment from the State Department is for the Province of Colon only.

In my opinion it would not be legal, and would lead to all kinds of complications, for consul at Colon or Panama to attempt to usurp the powers of the Canal Zone courts, which clearly have jurisdiction in administering estates of deceased persons in the Canal Zone. We can not dodge the jurisdiction of the circuit courts in the Canal Zone in cases of this kind. I would refer you to act 1, section 24, clause 5 of the zone laws, giving circuit courts jurisdiction

over estates of persons dying within limits of Canal Zone; and to act 24, giving official administrator jurisdiction over the estates of Isthmian Canal Commission employees. The only way that I can see that consul could administer on estates of Panama Railroad employees dying in the Canal Zone would be for an arrangement to be made with the circuit judges to appoint consuls to administer said estates, and even then I think consuls would have to act in a private capacity and not as consuls of the United States. Another question that would have to be considered is whether the State Department would want to be bothered with handling accounts, finding rightful heirs, etc., of deceased Americans dying in the Canal Zone, when all the Panama Railroad Company has to do is to notify judge of particular circuit in which employee died, and thereby throw all trouble and responsibility on circuit judge, where it rightfully belongs.

I am always anxious to assist the Panama Railroad Company in any way possible, but do not think we can legally handle estates of their employees who die outside of our jurisdiction.

I would suggest the following plan for the Panama Railroad Company to pursue in such cases, which I think would simplify matters and be satisfactory to circuit court judges: Let Mr. Bierd select one of his employees to handle estates of all persons in the employ of the Panama Railroad Company who die outside of consular jurisdiction, and immediately on the death of an employee Mr. Bierd can apply to circuit judge to have person whom he has selected appointed to administer estate. This the circuit judge has a right to do, and estate would be settled according to laws of the Canal Zone.

Sincerely, yours,

J. M. HYATT.

[Inclosure 4.]

Consul-General Shanklin to Minister Squiers.

AMERICAN CONSULATE-GENERAL,
Panama, March 5, 1907.

SIR: Referring to our conversation of several days ago, in the matter of the consul at Colon having, at first, declined to take charge of the estate of a deceased American citizen who died while in the employ of the Panama Railroad Company, I have to advise that on my taking charge of this consulate-general I found the Isthmian Canal Commission had appointed an administrator of estates, and was notified that he was authorized and that it was his duty to take charge of the estates of all deceased Americans who died while in the employ of the Isthmian Canal Commission, if said estates were valued at less than \$500 American money, but was given to understand that this did not cover estates of deceased Americans who died while in the employ of the Panama Railroad Company. I have acted accordingly, but I take it that the question will soon solve itself in that, as you are aware, the Isthmian Canal Commission will, it is said, take over the Panama Railroad, so that all men employed by the Government on the Canal Zone will be Isthmian Canal employees, and its administrator of estates will have charge of settling same until it reaches the \$500.

I am, etc.,

ARNOLD SHANKLIN.

File No. 4108/4-8.

The Acting Secretary of State to Minister Squiers.

No. 35.]

DEPARTMENT OF STATE,
Washington, April 12, 1907.

SIR: I have to acknowledge the receipt of your No. 66, of the 8th ultimo, in regard to the consular jurisdiction over the estates of citizens of the United States dying in the Republic of Panama.

In reply I inclose for your information copy of the department's instruction of the 10th instant to the consul-general at Panama.

I am, etc.,

ROBERT BACON.

[Inclosure.]

The Third Assistant Secretary of State to Consul-General Shanklin.

No. 71.]

DEPARTMENT OF STATE,
Washington, April 10, 1907.

SIR: I have to acknowledge the receipt of your No. 238, of the 5th ultimo,^a relative to the administration of estates of American citizens dying within the Canal Zone.

Under the law the circuit courts of the Canal Zone have jurisdiction in all matters of probate, both of testate and intestate estates of all persons dying in that territory except the estates of employees of the Isthmian Canal Commission or government of the Canal Zone, or any branch thereof, not exceeding \$500 in value, which estates are administered upon by the collector of revenues.

The department can not extend your consular jurisdiction to any part of the Canal Zone, and in no case should a consular officer undertake the settlement of estates of deceased American citizens dying without his district, in violation of paragraph 30 of the Consular Regulations.

The estates of all American citizens dying within the Republic of Panama outside of the Canal Zone, as defined by the treaty of November 18, 1903, are administered upon by the consular officers in whose district the death occurs, in accordance with Article XIII of the Consular Regulations.

I am, etc.,

HUNTINGTON WILSON.

^a Not printed.

PERSIA.

MURDER OF REV. BENJAMIN W. LABAREE.

(For previous correspondence see Foreign Relations for 1904, pp. 657 et seq. and 835; 1905, pp. 722 et seq., and 1906, pp. 1208 et seq.)

File No. 1558/1.

The Persian Minister to the Secretary of State.

[Translation.]

No. 28/206.]

LEGATION OF PERSIA,
Washington, October 17, 1906.

MR. MINISTER: I have the honor to inform your excellency that I have just received a detailed letter from His Highness Prince Mirza Mohamed Ali Khan, minister of foreign affairs, concerning the case of the murder of Mr. Lebri (Labaree), an American missionary.

Your excellency already knows that the murderer of Mr. Lebri has been sentenced and imprisoned and that an indemnity has also been paid and that only a secondary question, that of the supposed guilt of several alleged accessories, remained pending.

The readiness evinced by the Imperial Government, the energy displayed by the authorities for the capture of the said persons who are related to the chiefs of border tribes have since then brought contrary results; for, when armed force was used against them, they fomented disturbances along the whole of the Perso-Turkish boundary line, and succeeded by intrigue in creating a controversy between Persia and Turkey, so that in this unfortunate and regrettable affair the Imperial Government has had to meet not only internal disturbances, but also difficulties raised by Turkey.

The governor of Ourmiah (Oroomia) recently sent a telegram to his highness the prince, imperial viceroy of the province, which, translated, reads as follows: "As long as participation in the murder of Mr. Lebri shall hover about the alleged accomplices who are on Turkish or disputed territory, the prevailing disturbances that have already been the cause of great loss of life and property can not possibly come to an end, unless the Imperial Government should approach the Government of the United States with a view of commuting their punishment into a fine commensurate with their means.

The minister of foreign affairs, while communicating the text of the foregoing telegram to His Excellency Mr. Pierson (Pearson), minister of the United States at Teheran, who is well acquainted with all the difficulties arising out of this matter, has also just instructed me to bring the above-stated facts to your excellency's knowledge and to beg that you will be so good as to accede to the peaceful solution of a fine which is, in truth, a much more severe punishment for those who are truly or fictitiously accused in the case.

Hoping for a favorable answer, I embrace this opportunity, etc.

MORTEZA.

File No. 1558/1.

The Secretary of State to the Persian Minister.

No. 7.]

DEPARTMENT OF STATE,
Washington, November 7, 1906.

SIR: I have the honor to acknowledge the receipt of your note of the 17th ultimo, in which, concerning the punishment of the accessories in the murder of the American citizen Labaree, you point out, by direction of your Government, that the efforts made by the Persian authorities to capture these persons, who are related to chiefs of the border tribes, have resulted in disturbances along the whole of the Perso-Turkish boundary and in creating a controversy between Persia and Turkey, so that the Persian Government has had to meet not only internal disturbances, but also difficulties raised by Turkey; and you quote the text of a telegram from the governor of Oroomia to the effect that these disturbances, which have already been the cause of great loss of life and property, can not possibly come to an end unless the Government of the United States should "commute their punishment into a fine commensurate with their means." Therefore, under the instructions of your Government, you request the Government of the United States "to accede to the peaceful solution of a fine."

It thus appears that, in view of the impossibility of inflicting bodily punishment, by imprisonment or otherwise, as stipulated by the arrangement reached between the two governments in settlement of the reclamation arising out of the murder of the American citizen Labaree, the Persian Government proposes that, in lieu of such bodily punishment of the accessories, there be exacted from the guilty parties or their relatives a fine equal to the amount which was remitted from the indemnity paid to the widow of the murdered man.

This department understands that, under Oriental procedure, a fine levied upon the offenders or upon their property or upon their immediate relatives is a punitive process, implying ascertainment and adjudication of guilt.

It has been represented to the department that the burden of such a fine might not, in fact, fall upon the real culprits or upon their property or near kinsmen, but be levied upon the inhabitants of the territory by some form of taxation or assessment involving the vicarious suffering of the innocent peasantry for the deeds of public criminals. Such a proceeding would lack the essential element of punitive and exemplary justice and would, in fact, be tantamount to a device of the Persian State to relieve itself from the moral and conventional duty to punish the murderers. The Government of the United States would be loath to believe that any such procedure was contemplated or even possible. It would be a conspicuous and painful departure from the lofty principles of justice which from the earliest days of history have inspired the noble Persian Empire and set its reputation for uprightness so high in the eyes of all mankind. It would be a procedure to which the Government of the United States could not lend acquiescence.

In this matter of the murder of Labaree, the Government of the United States has acted in fulfillment of its duty to protect the interests of American citizens, as well as in the exercise of its international

right to redress the wrong done to the United States in the person of one of its citizens. This has required the treatment of the question under two aspects—the remedial reparation due to the widow of the murdered man, which has been effected by the payment of a money indemnity for the benefit of the dependent relatives of Labaree, and the exemplary redress due to the Government of the United States, to effect which the due operation of Persian justice has been invoked against the guilty parties and their accessories.

The United States Government will not accept blood money from the state or from innocent Persians in substitution of its just claim that punishment be visited upon the guilty. It is imperative that they be punished.

As to the shape the punishment shall take, this Government is not disposed to dictate terms to the Persian Government, so long as we shall be satisfied that punishment in some way consonant with Persian justice and commensurate with the gravity of the crime is in fact inflicted. As a legal proposition punishment, whether by death, or by imprisonment, or by fine, is still a penalty for guilt. Whatever form it takes, if it does actually reach the guilty, its exemplary character and deterrent purpose are accomplished. But it is essential that the punishment should possess that exemplary character and should effect that deterrent purpose. This Government seeks no vindictive remedy on the one hand, and on the other hand it can not barter away its right to simple justice for a lucrative consideration which may be neither exemplary nor punitive.

If this Government be satisfied that the fine which, as appears from your note, is proposed to be inflicted upon the participants in the murder of Labaree shall be punitive, reaching the guilty parties, through their property or their kin, and not bear upon the innocent by way of a territorial tax or indiscriminate assessment, we shall be willing to take into account the difficulties which, as your note recites, stand in the way of the Persian Government's pledge to visit bodily punishment upon those implicated in the murder of Labaree, and would be disposed to accept the imposition of an adequate fine as being a mode of punishment falling within the scope of our just demand.

To effect an agreement in this sense, however, it would be necessary that the two Governments should stipulate for some such suitable disposal of the fine as will attest its exemplary nature and deterrent purpose. It can not be viewed in the light of mere additional indemnity to the family of the murdered man. That form of reparation has already been completely accomplished. It can not inure to the pecuniary profit of the Government of the United States, for we may not and will not purchase lucrative gain at the cost of acquiescence in a failure of justice. Neither can it be deemed a fitting disposition to let it pass into the Persian treasury, for that would defeat the essential condition that the settlement of this matter between the Governments shall be exemplary as well as remedial, punitive, and deterrent.

In like cases, which have occurred elsewhere within recent years, notably in the Chinese Empire, a practical solution of the problem has been found and one which may be followed with singular appropriateness in the present case. It is that the money penalty exacted

in punishment of the crime shall be devoted to the erection of a permanent memorial structure, such as a hospital or school, to stand as a monument in reprobation of the crime and as a beneficent augury of a better state of things to come. Such a memorial building erected in the neighborhood of the murder, with an appropriate inscription, would serve as a lasting lesson in favor of law and order, besides doing a work of good among the Persian people.

If your Government is disposed to consider the adoption of some such mode of settlement of this painful question, which so directly affects the dignity, honor, and good faith of two friendly countries, I shall be pleased to consider with you the most convenient way of bringing it about. But I ask you to impress your Government with the understanding that in the absence of some such disposition of the matter the Government of the United States would be unable to forego its righteous demands for the fulfillment of the clear duty and for the performance of the solemn pledges of the Persian Government in regard to the bringing to justice of all concerned in the murder of Labaree.

Accept, etc.,

ELIHU ROOT,

File No. 1558/2.

The Persian Minister to the Secretary of State.

[Translation.]

No. 29/208.

LEGATION OF PERSIA,
Washington, November 14, 1906.

MR. MINISTERS: I have the honor to acknowledge the receipt of your excellency's note of the 7th instant, in reply to that I addressed you on the 17th of October last.

As the allusions and remarks contained in that answer are susceptible of some elucidation, I venture to elucidate them, before transmitting the reply to the knowledge of my Government, and to draw your attention to the following remarks:

1. The proposition I had the honor, by order of my Government, to lay before you orally and in writing, did not state or imply that the amount of a fine to be imposed could be equal to the sum that has been paid in the final settlement of the case of the murder of the American missionary Labaree and there is no foundation whatever for such an assumption.

2. If a few inventive or overcompassionate persons have, without warrant, led the State Department into a belief that the fine would be levied, in the guise of taxation or impost of any description, on the poor and innocent inhabitants of the country, not only do I most formally contradict them, but I further and expressly refute so erroneous a surmise that is totally inconsistent with the traditional magnanimity of my Government.

3. The Imperial Government never did wrong any power in the protection of the subjects of any of them, particularly those of the Government of the United States, to which it is bound by the strongest ties of friendship, and the readiness evidenced by the Imperial Government in the settlement of the case of Missionary Labaree to the satisfaction of the Government of the Republic can not be questioned, since every reparation, in money and at law, has already been

granted, both by paying the amount claimed and sentencing the actual perpetrator; and as I had the honor to tell your excellency in the course of our conversation, a secondary question, that of a few men suspected on mere hearsay of having instigated the commission of the felony, remained pending; and it had been agreed by the two Governments that it would be investigated in order to ascertain whether the charges were well founded and punish those of the accused who could not exonerate themselves.

4. Unforeseen difficulties encountered by the local authorities have thus far prevented their carrying out the orders issued by the Imperial Government; the suspects, who claim they are innocent, took alarm at so grave an accusation and not only eluded by flight the fierce pursuit of the authorities, but also succeeded, through their allies, chiefs of tribes, in fomenting disturbances all along the border. It was for the purpose of bringing to an end the situation that has endured so long that their relatives begged the Governor of Oroomiah to use his good offices with the Imperial Government for a commutation of the penalty of their actual or conjectural offense into a pecuniary and bearable mulct to be paid, in part, by themselves and, in part, by their relatives and a few tradesmen of Oroomiah who are in favor of pacification.

5. The Imperial Government, in directing me to lay the above-mentioned proposition before your excellency and to agree with you upon the amount of an equitable and reasonable fine, in nowise intended to bring profit to the Government of the Republic of the United States, which is held by the orientals to be so wealthy that so trifling a sum would be like a drop of water spilled in the ocean, or benefit to the imperial treasury, whose daily benefactions are ten times as large, but inasmuch as under the law of all countries fines belong of right to the local authorities the intention of my Government is to take it from these authorities for the benefit of some existing charitable institution.

6. The murder of Mr. Labaree can not be compared with those committed in China, but rather with those that are daily committed in the most civilized countries, and while the amount of a fine, to be equitably imposed, is very far from coming up to the cost of founding a charitable institution, the proposition in itself is nevertheless an unprecedented one in Persia, and I can not imagine that the Imperial Government can ever assent to it and establish such a precedent.

The sense of equity and humanity evidenced on every occasion by the Government of the United States encourages me to hope for a much more consonant settlement of a secondary question, the main part of which was adjusted to its satisfaction, and, so hoping, I renew, etc.

MORTEZA.

File No. 1558/2.

The Secretary of State to the Persian Minister.

No. 11.]

DEPARTMENT OF STATE,
Washington, May 23, 1907.

SIR: In your note of November 14 last you are pleased to make, in view of the department's note of November 7, certain remarks con-

cerning the propositions contained in your former note of October 17 with reference to the Labaree case.

You point out, first, that—

The proposition I had the honor, by order of my Government, to lay before you orally and in writing did not state or imply that the amount of a fine to be imposed could be equal to the sum that has been paid in the final settlement of the case of the murder of the American missionary Labaree, and there is no foundation whatever for such an assumption.

The department can find nowhere in its note of November 7 any statement that could be construed to mean that the amount of the fine to be imposed should be equal to the sum that has been paid as indemnity to Mrs. Labaree. On the contrary, the department's understanding of the Persian proposition is clearly stated in its note of November 7 to be as follows:

It thus appears that, in view of the impossibility of inflicting bodily punishment, by imprisonment or otherwise, as stipulated by the arrangement reached between the two Governments in settlement of reclamation arising out of the murder of the American citizen Labaree, the Persian Government proposes that in lieu of such bodily punishment of the accessories there be exacted from the guilty parties or their relatives a fine equal to the amount which was remitted from the indemnity paid to the widow of the murdered man.

In other words, it was not intended for the fine to be equal to the sum already paid (\$30,000), but that it should be the balance (\$20,000) which, in consideration of the Persian Government's promise to punish the guilty parties, was remitted from the \$50,000 claimed.

Secondly, you explain that—

If a few inventive or over-compassionate persons have, without warrant, led the State Department into a belief that the fine would be levied in the guise of taxation or impost of any description on the poor and innocent inhabitants of the country, not only do I most formally contradict them, but I further and expressly refute so erroneous a surmise that is totally inconsistent with the traditional magnanimity of my Government.

The department is glad to have your confirmation of the understanding stated in its note of November 7, that—

This department understands that, under oriental procedure, a fine levied upon the offenders, or upon their property, or upon their immediate relatives is a punitive process implying ascertainment and adjudication of guilt.

The representation which had been made to the department that the burden of such a fine might not in fact fall upon the real culprits, or upon their property or near kinsmen, but be levied upon the inhabitants of the territory by some form of taxation or assessment involving the vicarious suffering of the innocent peasantry for the deeds of public criminals, was merely stated in its note as information which had been received, and what followed was merely a statement of the position of the department in such case. It was in no wise intended to imply the belief that any such procedure was contemplated or even possible. In fact the unwillingness of the United States to entertain such a belief was stated in the department's note.

There is no issue between us as to the honor and good faith of the Persian Government. These have never been questioned by the Government of the United States, which is pleased to entertain for the Imperial Government sentiments of cordial friendship. There remains for me, therefore, to take notice only of the method of the disposal of the fine which the Government of the Shah has expressed a

willingness to exact from the guilty parties. The Government of the United States can not consent that the fine should be used for the benefit of some existing charitable institution where its punitive and deterrent effect would be lost. We must insist that it be devoted to the erection of some permanent structure which, while being of a beneficial character, shall serve as an object lesson. It is our hope that you have long ere this made known to your Government the contents of my note of November 7, and that we shall soon be informed of its readiness to accept some such method of settlement as is therein set out, thus enabling the two Governments to reach a satisfactory agreement terminating this long pending case.

Accept, etc.,

ELIHU ROOT.

File No. 1558/11.

The Persian Minister to the Secretary of State.

[Translation.]

No. 22/101.]

LEGATION OF PERSIA,
Washington, July 4, 1907.

MR. MINISTER: I have the honor to bring to your excellency's knowledge the following information I have just received from my Government in regard to the case of the late Doctor Labaree.

"The indefensible communications addressed to the Government of the Republic by various persons at the instigation of coreligionists who are subjects of the Empire being decidedly overdrawn, we have asked his excellency Mr. Richmond Pearson, envoy extraordinary and minister plenipotentiary of the United States at Teheran, during whose mission the unfortunate incident took place, and who is better acquainted with the facts than anyone else, to draw his Government's attention to the actual facts and their true consequences.

"You will further point out to the Government of the Republic of the United States—

"First. That as a matter of fact there is no Labaree question now pending between the United States and Persia, since every judicial and pecuniary satisfaction has been from the first granted in the case, in accordance with the demands and wishes of the Government of the Republic.

"Second. That a secondary and purely judicial claim, touching the alleged participation of several other persons, was still pending, and, as to that, the Imperial Government agreed with the legation of the United States to have them arrested and tried within a stated period, and when it attempted to carry out its promise the accused took alarm and sought refuge in Turkey, and, through their relatives, fomented disturbances all along the frontier.

"Third. That the proposition transmitted through you to the Government of the Republic came from some merchants and relatives of the supposed offenders to the governor of Orumiah with a view to change the prevalent disturbances into concord and harmony among all parties, and that if the poor innocent inhabitants of the country had been exempted from payment, the amount of the proposed fine would have barely reached a few hundred dollars.

"Fourth. The murderer, who had been tried and sentenced, already died in jail, and three or four of his alleged accomplices have thus

far been killed in several skirmishes, so that there remains but two or three who are now on Turkish territory and can not be arrested and tried unless they return to Persia.

“Fifth. The Imperial Government highly appreciates and attaches too great a price to the sacred bonds of sincere friendship which bind it to the humane Government of the United States and its eminent and magnanimous President to attach any importance whatever to the reports circulated and the erroneous charges from the pen or the mouth of a few biased and conceited persons; further, readiness in protecting the citizens of the United States residing or traveling in Persia was never found wanting, and the murder of Doctor Labaree, with intent to rob, is an every-day occurrence in every civilized country, and if, as suggested to the Government of the Republic by some vindictive persons, fanaticism had been the cause, not only Labaree but many others would have suffered the same fate.”

Be pleased to accept, etc.,

MORTEZA.

File No. 1558/10.

The Acting Secretary of State to the Persian Minister.

No. 15.]

DEPARTMENT OF STATE,
Washington, July 17, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant, in which you refer to your conversation with Mr. Richmond Pearson on the 9th ultimo, in which he expressed the opinion that the Labaree incident was closed, and request the department to confirm the impression Mr. Pearson's statements made upon you, that the matter was finally closed and that no further action would be taken in connection with it.

In reply I have the honor to say that, while this Government recognizes the fact that the Persian Government is not in a position to inflict any additional punishment on the remaining accessories to the murder of Mr. Labaree during their exile in Turkey, their punishment would naturally be expected if they should return to Persian jurisdiction. In abandoning further insistence on the exaction of pecuniary penalty from their relatives the department takes the actual conditions into account, and is not to be understood as absolving the accessories from criminal liability for their heinous acts.

Accept, etc.,

ROBERT BACON.

DEATH OF THE SHAH OF PERSIA.

File No. 3714/2-3.

The Shah of Persia to the President of the United States.

[Telegram.]

TEHERAN, January 9, 1907.

I have the painful duty to advise your excellency of the grievous loss which I have just suffered in the person of my highly esteemed father.

MOHAMMED ALI SHAH.

File No. 3714/2-3.

The President of the United States to the Shah of Persia.

[Telegram.]

THE WHITE HOUSE,
Washington, January 9, 1907.

His Majesty MOHAMMED ALI, SHAH, *Teheran.*

I tender sincere condolences upon the great bereavement suffered by you and by the Persian nation.

THEODORE ROOSEVELT.

File 3714/1.

The Persian Minister to the Secretary of State.

[Translation.]

LEGATION OF PERSIA,
Washington, January 9, 1907.

MR. MINISTER: I fulfill a very painful duty in communicating to your excellency the sorrowful calamity that has stricken the Persian nation in the decease of its beloved and regretted sovereign Mozaffer-ed-Dine Shah.

Please accept, etc.,

MORTEZA.

File No. 3714/1.

The Secretary of State to the Persian Minister.

DEPARTMENT OF STATE,
Washington, January 9, 1907.

MR. MINISTER: In acknowledging your note of this date, I desire to express to you the profound sympathy of this Government for the sorrow into which your country is plunged by the regretted death of His Majesty Mozaffer-ed-Dine Shah. The President has to-day addressed a telegram to His Majesty Mohammed Ali Shah tendering his sincere condolence for his bereavement and that of the Persian nation.

On this sorrowful occasion I beg to renew to you, Mr. Minister, etc.,

ELIHU ROOT.

File No. 3714/4.

The Shah of Persia to the President of the United States.

[Telegram.]

TEHERAN, January 11, 1907.

I am deeply touched by the amiable sentiments contained in Your Excellency's telegram and express to you my most sincere thanks.

MOHAMMED ALI.

File No. 3714/5.

The Persian Minister to the Secretary of State.

[Translation.]

LEGATION OF PERSIA,
Washington, January 15, 1907.

MR. MINISTER: I have the honor to inform your excellency that, according to a cablegram received from my Government, the duration of the official mourning for the death of my lamented sovereign has just been fixed at six months; the coronation of His Imperial Majesty the new Shah will take place on January 19 of this year, and the crown prince will be designated after the coronation.

I embrace this opportunity to renew, etc.,

MORTEZA.

File No. 4298.

The Persian Minister to the Secretary of State.

[Translation.]

LEGATION OF PERSIA,
Washington, January 28, 1907.

MR. MINISTER: I have the honor to bring to the knowledge of your excellency the fact that His Imperial Majesty the Shah, my august sovereign, has designated His Imperial Highness Prince Ahmed Mirza, his son, as heir presumptive to the imperial throne of Persia, and that the Persian nation, as well as the representatives of the foreign powers at Teheran, have received official notification of that nomination.

I improve the occasion of informing your excellency of this above-mentioned fact, and renew to your excellency the assurances of my high consideration.

MORTEZA.

PERU.

MESSAGE OF THE PRESIDENT OF PERU TO THE PERUVIAN CONGRESS.

File No. 3764/1-3.

Minister Combs to the Secretary of State.

AMERICAN LEGATION,
Lima, August 13, 1907.

SIR: I have the honor to inclose a copy of President Pardo's message to Congress, with a résumé in English.

I have, etc.,

LESLIE COMBS.

[Inclosure.—Résumé.]

The message of President Pardo to Congress gives a complete idea of the general movement of Peru during the past year.

The budget for 1908 is put down at £2,866,156, which represents £186,889 in excess of the former one of 1907, but this is satisfactory, as it is based upon the natural increase of the receipts and not upon any new taxes.

The arrangement with the Peruvian corporation recently concluded, the expenditures required for the maintenance of the two cruisers purchased as a basis for our new navy, and the contracts for railways, will require an extra expenditure yearly of about £150,000, but this sum has already commenced to enter the public treasury owing to the development of trade and richness of the country.

His Excellency stated that he had great pleasure in announcing that the relations between Peru and other nations were extremely friendly and cordial, especially with the neighboring countries; that this was due in a great measure to the intelligent and conciliatory policy of the diplomatic corps resident in Lima, and to the manner in which the Peruvian agents in foreign countries had assisted the policy of the Government.

The question regarding the final nationality of the Peruvian provinces of Tacua and Arica still occupied the attention of the Government, and of the whole nation, the opinion of which on this matter has from the first been clearly pronounced. There is reason to hope nevertheless that some arrangement is not far distant, as we may consider as a fact accepted by both of the interested governments that the only possible solution is one in accordance with the treaty of peace of October 20, 1883.

Among the most important events, on account of its undoubted effect upon our future diplomatic relations, I must mention the visit which the honorable Secretary of State of the United States paid to Lima during September, 1907. The Hon. Elihu Root had the opportunity of judging as to the cordiality of the sentiments which Peru entertains regarding his great country, and thus carry home to the United States a clear and exact idea of what is most necessary to render closer the bonds between the South American states and the great Republic of the north.

The telegraphic system has been considerably extended.

During the year 1906, 1,287 kilometers of new lines were constructed, and in the first six months of the present year 533 kilometers more have been made.

The Departments of Amazons and San Martin are now united with the capital, and so also are the Provinces of Ayabaca, Huancabamba, Pacasmayo, Cajamarca, Celendin, Chachapayas, Moyobamba, Huari, Cajatambo, Camas, Pancartambo, Urubamba, and Carabaya, and before long the telegraph wires will reach Contumaza, San Martin, Pomabamba, Patay, Bolognesi, Huamalies, and Dos de Mayo.

The construction of the new cruisers *Almirante Gran* and *Coronel Bolognesi* has been concluded, and they have been received by the chief of the naval commission in Europe; these vessels are now on their voyage out to Peru, and in a few days more will arrive at Callao.

The first step has therefore been successfully taken toward giving the nation, within the limit of our small public revenues, the elements for the defense of its extensive coast.

As soon as it became evident that a loan could not be made, the Government resolved to construct the railways to Huancayo and Cuzco, employing for this purpose the product of the tax on tobacco. I have had the satisfaction of seeing these works carried out by a national staff, and on their being handed over to the Peruvian corporation in accordance with the recent contract, everything has been completely organized and all the necessary material contracted, besides which there are now more than 4,000 laborers employed on the works. There is consequently every hope that these lines will be finished before the time set forth in the contract.

In order to study the possibility of uniting the different railways in the northern part of the Republic with each other and with the capital, many interesting surveys have been made which show the practicability of this idea at a comparatively small cost, if we consider the immense advantages to be derived therefrom. Surveys have been made of the following lines: From Guadalupe (Pacasmayo Line) to Combo (line from Eten to Ferrenape), 66 kilometers; from San Pedro (Pacasmayo Line) to Chocope (Trujillo Line), 52 kilometers; from Trujillo to Tablonas (line from Chimbote to Recuay), 113 kilometers—total, 231 kilometers.

Other surveys will be made, so that once the lines already contracted from Chimbote to Recuay and from Lima to Huacho are constructed, the country will enjoy all the immense advantages derived from the capital with all the Departments of the northern region of the Republic.

The following surveys connected with the railroad to the River Ucayali have been made: From Cacaraca to Palca, 70 kilometers; from Port Wertheman to Cuatzirique, 76 kilometers 178 meters; from Cuatzirique to Sumbisidoni, 58 kilometers 772 meters; from Sumbisidoni to Penatinganorona, 23 kilometers 350 meters; from Penatinganorona to Cuatzingari, 33 kilometers 250 meters; from Cuatzingari to Shahuaya, 3 kilometers 600 meters—total, 265 kilometers 150 meters.

The contract signed with Mr. MacCune for the construction of the railroad to the River Ucayali, has put a stop to the surveys for account of the Government, as the latter will now intervene in those made by the concessionaire.

Surveys have also been made for the construction of a railroad to form a junction between the southern lines and the Ito Railway, and for the building of a pier at the port of Ito in order to meet the great requirements of international trade.

The concessionaires of the Huacho Railway are busy making surveys and there is every hope of the success of this concession.

The concessionaire of the railway from Chimbote to Recuay is carrying out his concession, although the works are not quite up to time, but as he had expended a large sum on the works and there have lately occurred great difficulties in obtaining capital in Europe for railways in Peru, we have not cared to trouble the concessionaire for the present.

From the latest news there is every hope that the concessionaire will succeed in obtaining shortly sufficient funds to conclude the line within the time fixed, but if the contrary should occur the contract will be rescinded.

The claim of the Guano Consignment Company of the United States has been paid, and for this purpose bonds of the internal debt were issued for the sum of \$1,477,085.

The carrying out of the general budget for 1906 has been effected in the same satisfactory manner as in the previous year. The budget voted by Congress for 1906 was £2,506,386.0.83, and the receipts have amounted to £2,555,463.4.74, which shows an excess of £49,077.3.91.

This project presented to Congress for the budget for 1908 amounts to £2,366,156.100, and as the one in force for 1907 is for £2,679,266.519, there is a larger sum of receipts which is calculated to amount to £186,889.581.

The working of the mines in 1906 in the different Departments has been as follows:

* * * * * *

In the movement of trade in 1906 the imports amounted to £4,999,046.740, while those in 1905 amounted to £4,357,696.837, showing an excess in 1906 of £641,349.903.

The exports in 1906 reached £5,817,232.312 against £5,751,620.290 in 1905—that is to say, a difference of £65,612.022 in favor of 1906.

As soon as the Government was authorized by law to contract the loan for £3,000,000 it communicated this fact to its bankers, but these parties replied that they would conclude the business with certain new conditions which the Government could not accept.

On June 20 last the arrangement was signed with the representative of "the Peruvian corporation," Mr. Eyre, in order to definitely terminate the questions pending in the carrying out of the contract of January 11, 1890.

In accordance with the contract of April 11 of this year, Mr. Alfred MacCune has obliged himself to construct in five years a railway of the same gauge as the central one, which, starting from the line between La Orvya and Cerro de Pasco, shall terminate at a point on the River Ucayali, navigable at all times of the year for vessels drawing at least 5 feet of water, and another line to be constructed three years after that of the Ucayali, which, starting from the same point, shall come down to a point on the coast between Ancon and Vegueta.

The Government assists the construction of these lines in the following manner:

That of Ucayali, first, with £2,000,000 in bonds of 6 per cent at par, guaranteed by the tobacco revenue, to be handed over in half-yearly installments in proportion to the number of kilometers delivered to traffic; second, with 3,000 hectares of land in the highlands for each kilometer of railway constructed in the Ucayli section, to be delivered in lots when the railway is concluded.

That of the coast, the Government grants a subvention of £1,500 per kilometer, payable in the same bonds, and in like form but only up to the sum of £475,000 corresponding to 300 kilometers.

The concessionaire is bound to construct piers in the terminal ports and to stimulate the starting of a line of river steamers. The Government will grant a subvention of 2,000 hectares of land for each steamer with a fixed itinerary, and at the disposal of the Government in case of need.

The two lines revert to the State after the concessionaire has worked them for twenty-five years and after his receipt of the amounts paid as subvention.

The sanction of the contract of the railway to the River Ucayali and the authorization for the Government to construct the section between Huancayo and Hyacucho would be the realization of the idea of uniting the eastern regions of Peru, the south, and the coast, insuring our territorial integrity, the European colonization, the development of our agricultural and mining resources, and the national unity. Finally, by such action the Congress of 1907 would earn the gratitude of the nation.

PORTUGAL.

AN ADDITIONAL AND AMENDATORY AGREEMENT TO THE COMMERCIAL AGREEMENT OF MAY 22, 1899, BETWEEN THE UNITED STATES AND PORTUGAL.

File No. 2618/3.

The Acting Secretary of State to the Brazilian Ambassador.

No. 46.]

DEPARTMENT OF STATE,
Washington, January 22, 1907.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 18th instant^a by which, in accordance with the wish of the Portuguese Government, you inform this department that the Government of Portugal will publish in Lisbon on the 24th of the present month the ratification of the commercial agreement with the United States relative to Porto Rico, which was signed on November 19, 1902. You express the hope of the Portuguese Government that a corresponding proclamation of the agreement will be issued in this country.

In reply I have the honor to inform you that the agreement will be proclaimed by the President in the 24th instant, in order to make its publication simultaneous in both countries.

Accept, etc.,

ROBERT BACON.

File No. 2618/6-7.

Minister Bryan to the Secretary of State.

No. 277.]

AMERICAN LEGATION,
Lisbon, January 22, 1907.

SIR: I have the honor to report that at my last interview with the minister for foreign affairs he informed me that the King of Portugal had signed the decree ratifying the agreement extending to Porto Rico the provisions of the commercial agreement between the United States and Portugal, and that the Brazilian ambassador representing Portugal in Washington had been requested by cable to notify our Government of this act. I transmit herewith a copy and translation of the decree of ratification.

I have, etc.,

CHARLES PAGE BRYAN.

^a Not printed. The Brazilian ambassador was acting on behalf of the Portuguese Government.

[Inclosure.—Translation.]

TRANSLATION OF THE ROYAL DECREE RATIFYING THE SUPPLEMENTARY COMMERCIAL AGREEMENT OF THE 19TH OF NOVEMBER, 1902.

Ministry for Foreign Affairs, Commercial and Consular Bureau:

Dom Carlos, by the grace of God, King of Portugal and Algarves, etc., we make known to all our subjects that the General Cortes have enacted and we have approved the following law:

ARTICLE 1. Be it enacted that the diplomatic act signed in Washington on the 19th November, 1902, as an extension of the commercial agreement of the 22d of May, 1889, between Portugal and the United States of America, is hereby ratified.

ART. 2. All conflicting legislation is hereby repealed. We therefore direct all authorities to whom shall belong the cognizance and execution of the said law that they shall fulfill and cause it to be put into effect and observed literally and entirely.

THE KING.

(With rubric and seal.)

The minister of the department of foreign affairs, signed and sealed at the Palace das Necessidades on the 20th of December, 1906.

[GREAT SEAL OF STATE.]

LUIZ CYPRIANO COELHO DE MAGALHAES.

The foregoing is the decree by which Your Majesty, having sanctioned the act of the General Cortes of December the 10th, 1906, which approves the diplomatic act signed in Washington, November 19, 1902, with the addition of the commercial agreement of May the 22d, 1889, between Portugal and the United States of America, and directing the fulfillment and observation of the said decree conformably with the exact declaration thereof.

For Your Majesty's verification. Done by Pedro Cid.

TEXT OF AGREEMENT.*Signed at Washington November 19, 1902.**Proclaimed January 24, 1907.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas His Most Faithful Majesty the King of Portugal and of the Algarves and the United States of America have concluded on November 19, 1902, an Additional and Amendatory Agreement to the Commercial Agreement of May 22, 1899, between the same High Contracting Parties, entered into in accordance with the provisions of Section 3 of the Tariff Act of the United States approved July 24, 1897, which Additional and Amendatory Agreements is in the English and Portuguese texts, word for word as follows:

The President of the United States of America and His Most Faithful Majesty the King of Portugal and of the Algarves, finding it expedient to amend the Commercial Agreement between the two countries, signed at Washington on the 22nd day of May, 1899, have named for this purpose their respective Plenipotentiaries, to wit:

The President of the United States of America, the Honorable John Hay, Secretary of State of the United States, and

His Most Faithful Majesty, the Viscount de Alte, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after having communicated each to the other their respective full powers, found to be in good and due form, have agreed upon the following additional and amendatory Articles to be taken as part of the said Agreement:

ARTICLE I.

The High Contracting Parties mutually agree that the provisions of the said Agreement shall apply also to the Island of Porto Rico.

ARTICLE II.

This Additional and Amendatory Agreement shall be ratified by His Most Faithful Majesty so soon as possible, and upon official notice thereof the President of the United States shall issue his Proclamation giving full effect to the same. From and after the date of such Proclamation this Agreement shall take effect, and shall continue in force during the continuance in force of the said Commercial Agreement signed May 22, 1899.

Done in duplicate in English and Portuguese texts at Washington this nineteenth day of November, one thousand nine hundred and two.

JOHN HAY [SEAL.]

VISCONDE DE ALTE [SEAL.]

Now, therefore, be it known that I, THEODORE ROOSEVELT, President of the United States of America, acting under the authority conferred by said Act of Congress, have caused the said Additional and Amendatory Agreement to be made public, to the end that the same may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this twenty-fourth day of January in the year of our Lord one thousand nine hundred [SEAL.] and seven, and of the Independence of the United States of America the one hundred and thirty-first.

THEODORE ROOSEVELT

By the President:

ELIHUT ROOT

Secretary of State.

File No. 2618/3.

The Acting Secretary of State to Minister Bryan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 26, 1907.

Porto Rico agreement November 19, 1902, proclaimed by President 24th instant,

BACON.

File No. 2618/4-5.

Minister Bryan to the Secretary of State.

No. 279.]

AMERICAN LEGATION,
Lisbon, January 29, 1907.

SIR: I have the honor to confirm your cable message of this date as follows,^a and to state that the *Diario do Governo* of the 24th instant published the text of the said agreement, a copy of which I transmit herewith.

In reply to your No. 113 of January 11, 1907, File No. 2618/2, I have the honor to state that on the 8th of January the King of Portugal ratified the agreement extending to Porto Rico the provisions of the commercial agreement between the United States and Portugal, as reported in my dispatch No. 277 of January 22.

I have, etc.,

CHARLES PAGE BRYAN.

EFFECT OF ACCEPTANCE OF TITLES OF NOBILITY ON AMERICAN CITIZENSHIP.

File No. 6339.

Minister Bryan to the Secretary of State.

No. 308.]

AMERICAN LEGATION,
Lisbon, April 23, 1907.

SIR: I have the honor to report that A. V. Patterson, a native-born American citizen, who holds no office under the United States, who has for some years resided in Lisbon, Portugal, and upon whom the King of Portugal is about to confer the title of Baron, has submitted to this legation the question of the effect of his acceptance of this title upon his American citizenship and right to protection.

In discussing the matter with Mr. Patterson I admitted that I could not find any provision in our Constitution or laws which specifically forbids its acceptance, or according to which its acceptance by him would entail the forfeiture of his American citizenship, but I pointed out to him that it was certainly contrary to the spirit and intention of the Constitution and laws, and referred to the fact that the renunciation of titles, etc., is made a prerequisite to naturalizations; that it would be absurd to require such renunciation if immediately after naturalization—after becoming a citizen—such title or another might be accepted. That, in my opinion, the rights of a native-born citizen in this respect were not greater than those of a naturalized American. Mr. Patterson states that his acceptance was based upon the understanding that neither an oath of allegiance to Portugal, nor renunciation of his American citizenship, will be required. I told Mr. Patterson that so far as the Portuguese Government is concerned this legation would not and could not take any interest in the matter, but that I would refer his question to Washington.

Accordingly, I have the honor to request the instructions of the department as to whether the acceptance of this title (baron) by this

^a Not printed.

American citizen will entail the loss of his citizenship and of his right to the protection of this legation.

I have, etc.,

CHARLES PAGE BRYAN.

File No. 6339.

The Acting Secretary of State to Minister Bryan.

No. 131.]

DEPARTMENT OF STATE,
Washington, May 16, 1907.

SIR: The department has received your No. 308, of April 23 last, reporting that Mr. A. B. Patterson, a native-born American citizen, who holds no civil office under the United States and who has for some years been residing in Lisbon, has had the title of baron conferred upon him by the King of Portugal and has submitted to your legation the question of the effect his acceptance of this title would have upon his American citizenship and right to protection. You state that you informed Mr. Patterson that you could find no provision in the Constitution or laws of the United States specifically forbidding his acceptance of a title from a foreign government, but you pointed out to him that it was certainly contrary to the spirit and intent of the Constitution and laws of the United States, and that the naturalization laws specifically require that an alien before receiving naturalization shall renounce any foreign title of nobility which he may hold. It appears that Mr. Patterson's acceptance of the title is made with the understanding that he is not to be required to take an oath of allegiance to the King of Portugal nor to renounce his American citizenship, and you further informed Mr. Patterson that so far as the Portuguese Government is concerned your legation would not, and could not, take any interest in the matter.

The department is of opinion that the information you gave Mr. Patterson was correct. You may add that the acceptance of a title from a foreign government is so opposed to the spirit of our institutions and laws that, although not specifically forbidden, and therefore not in itself sufficient to work expatriation, it is a circumstance to be considered in determining whether or not an American citizen has expatriated himself.

I am, etc.,

ROBERT BACON.

MILITARY SERVICE CASE OF FRANK FREITAS.

File No. 2956.

The Secretary of State to Minister Bryan.

No. 108.]

DEPARTMENT OF STATE,
Washington, December 18, 1906.

SIR: I inclose a copy of a dispatch from the American consul at Funchal reporting that Frank Fratus (Freitas), a naturalized American citizen of Portuguese origin, has been arrested by the local authorities and compelled to perform military service, also a copy of the application for a passport made by Mr. Freitas to the American consul at St. Michaels, Azores.

You will see what can be done in his behalf.

I am, etc.,

E. ROOT.

[Inclosure.]

Consul Blake to the Assistant Secretary of State.

[Extract.]

AMERICAN CONSULATE,
Funchal, November 19, 1906.

SIR: I have to inform you that Frank Fratus, formerly a subject of Portugal, a naturalized American citizen, and bearer of passport No. 21139, issued by the Secretary of State on September 25, 1906, has been seized by the local authorities during a visit to Madeira and conscribed for military service.

I have used my best efforts to procure his release, but the Government absolutely refuses to grant his exemption.

In the absence of any treaty between the United States and Portugal defining the rights of naturalized subjects upon their return to the Kingdom, I desire to bring the matter to your attention for such instructions as you may care to transmit.

Mr. Fratus returned to Madeira for the purpose of visiting his people, leaving in the United States a wife and child that may not unlikely become a public charge if it is not possible to effect his release.

I am, etc.,

MAXWELL BLAKE.

File No. 2956/1.]

Minister Bryan to the Secretary of State.

No. 291.]

AMERICAN LEGATION,
Lisbon, March 5, 1907.

SIR: In obedience to the department's instruction No. 108, of December 18, 1906 (file No. 2956), in reference to the case of Francisco Freitas, arrested for military service in Madeira, I have the honor to report that I took up the matter with the minister for foreign affairs in a note dated January 18 last, and am now in receipt of a reply stating that as the said Freitas had been drafted before his alleged naturalization, he must, nevertheless, under the Portuguese law, be held liable to military duty. I inclose copies of the correspondence.

From the facts now in my possession I am unable to contest the position of this Government that Mr. Freitas was drafted before naturalization in the United States and while still a subject of Portugal, and as the date, if not, indeed, the fact, of his naturalization is a matter of some doubt from his apparent failure to produce with his application the certificate of naturalization, which he claims was issued by the "municipal" court of Brookline, Mass., I have thought it best to await the department's further directions.

I have, etc.,

CHARLES PAGE BRYAN.

[Inclosure 1.]

Minister Bryan to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Lisbon, January 18, 1907.

EXCELLENCY: Herewith I have the honor to transmit a brief statement gathered from the report of the American consul at Funchal, Madeira, concerning the arrest and detention of an American citizen named Francisco F. Freitas, and I earnestly solicit your excellency's kind attention in this matter and such treatment for this citizen of my country as he is entitled to.

I avail, etc.,

CHARLES PAGE BRYAN.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Minister Bryan.

I have your excellency's note of January 18 last, accompanied by a statement relative to the detention of Francisco Freitas in Madeira. The matter was at once submitted to the minister of war, and he has requested me to inform your excellency that the facts of the case are as follows:

Francisco Freitas, born in Madeira of Portuguese parents, was drafted in 1904, and in the same year was marked as refractory for not having appeared in answer to the call. In 1906, in Funchal, he was arrested as a young man who should perform his military duty, the said Freitas declaring that he had emigrated to North America at 16 years of age, and that he had been naturalized as an American citizen after arriving at the age of 21. In view of the fact that he was drafted for military service in his native country the law requires that he should be deemed a deserter, notwithstanding the allegation that he had been naturalized in a foreign country, for already at that time he had been drafted, and had not previously fulfilled his respective obligations.

On communicating to your excellency this information, I take occasion to reiterate, etc.,

LUIS DE MAGALHAES.

File No. 2956/1.

The Acting Secretary of State to Minister Bryan.

No. 121.]

DEPARTMENT OF STATE,
Washington, March 30, 1907.

SIR: I have to acknowledge the receipt of your No. 291, of the 5th instant, reporting in the matter of the arrest of Francisco Freitas for failure to perform military service in Portugal.

You state that the position of the Portuguese Government is that as Mr. Freitas was drafted before his alleged naturalization in the United States, he became liable to perform military duty on returning to Portuguese territory.

In reply I inclose copy of Mr. Freitas's (Fratus) application to this department for a passport.

This application, upon which passport No. 21139 was issued, September 25, 1906, shows that Freitas came to the United States when he was a little over 16 years of age; that he was duly naturalized as a citizen of the United States September 17, 1906, when he was 23 years old, after he had resided in the United States for seven years. He swore, when he applied for his passport, that he intended to return to the United States in three months. The consul at Funchal, Madeira, of which island Freitas is a native, reported in his dispatch of November 19, 1906, that Freitas had been seized for military service while on a visit to his people, and that he had left his wife and child in the United States. There is therefore no reason for suspecting that he left the United States with the intention of remaining abroad. The contention of the Portuguese Government as reported in your No. 291 is that Freitas was drafted in 1904, before his naturalization. It is quite true that he was not then a citizen of the United States, but he had been domiciled in this country for five years. If he had been drafted before emigration the position of the Portuguese Government would be one which this Government could not contest, but it can not acquiesce in the right of the Portuguese Government to draft one who is domiciled in the United States, who committed no offense against Portuguese military law when,

or before, he emigrated, and who, coming here in good faith to cast in his fortunes with the United States, became lawfully naturalized, and then proceeded abroad, as he had a perfect right to do, on a short visit.

The department thinks you should press the case and ask for Freitas's release. The controversy gives point to our recent instruction looking to a naturalization convention between the two countries.

I am, etc.,

ROBERT BACON.

File No. 2956/1.

The Acting Secretary of State to Minister Bryan.

No. 126.]

DEPARTMENT OF STATE,
Washington, April 13, 1907.

SIR: Referring to the department's No. 108, of December 18, and your No. 291, of March 5 last, in regard to the arrest of Frank Fratus (Freitas) for failure to perform military service, I have to say that the position assumed by the Portuguese Government in this case, and as reported by the American consul at Funchal, appears to differ in some material respects from that stated in the circular of February 11, 1901.

The department would be pleased to have you make a careful investigation of the laws relating to the Portuguese military service, and of their interpretation by that Government, in order that the circular may be amended, if necessary.

I am, etc.,

ROBERT BACON.

File No. 2956/2-3.

Minister Bryan to the Secretary of State.

No. 306.]

AMERICAN LEGATION,
Lisbon, April 22, 1907.

SIR: In reply to your instructions No. 121, of March 30 last (file No. 2956/1), in relation to the detention of Francisco Freitas at Funchal, I have the honor to report that in my last interview with the minister for foreign affairs he promised to hasten the release of Freitas if the facts were as I stated them, and, in any event, to have him promptly liberated.

I transmit herewith a copy of my note to the minister on this subject.

I have, etc.,

CHARLES PAGE BRYAN.

[Inclosure.]

Minister Bryan to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Lisbon, April 16, 1907.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of January 28 last, in answer to mine of the 18th of January requesting the release of Francisco Freitas, an American citizen, who was arrested at Funchal, Madeira, for failure to perform military service.

Upon receipt of your excellency's note, hereinbefore mentioned, I transmitted a copy and translation thereof to my Government and I received instructions to ask your excellency to consider that Freitas went to America when but little over 16 years of age; that he was duly naturalized as an American citizen September 17, 1906, when he was 23 years old and after he had resided in the United States for seven years. It appears that said Freitas left in the United States a wife and child. My Government recognizes that at the time he was drafted for military service as stated in your excellency's note, viz. 1904, he was not an American citizen, but he had been domiciled in the United States for over five years. Had he been drafted before emigration, the position of your excellency's Government would be one which my Government would not feel at liberty to contest, but it is, on the other hand, unable to acquiesce in the right of the Portuguese Government to draft and arrest for military duty one who is domiciled in the United States, who committed no offense against Portuguese military law when or before he emigrated, and who, having gone in good faith to cast his fortunes with the United States of America, was lawfully naturalized there and afterwards proceeded abroad on a short visit.

I am instructed to call these facts to your excellency's courteous attention and to request that this lawfully naturalized citizen of the United States be released and allowed to return to his wife and child in America.

As I pointed out in our recent interview on the subject of a conventional agreement defining the rights and duties of Portuguese subjects who emigrate to America and there become naturalized, it is not the desire or the intention of my Government to intervene in behalf of such as have remained in the United States only long enough to secure naturalization and have returned to Portuguese territory in the hope of there residing as American citizens and thus escaping the obligations imposed upon them by Portuguese law. But I submit to your excellency that this case is not of that character; that Freitas is a bona fide citizen of the United States of America who has come to Portuguese territory upon a visit merely, leaving his wife and child at his home in America, and who at the time of his emigration had not committed any offense against Portuguese military law.

In again asking your excellency's attention to this case in which my Government takes a serious interest, I avail, etc.,

CHARLES PAGE BRYAN.

File No. 2956/4.

Minister Bryan to the Secretary of State.

No. 319.]

AMERICAN LEGATION,
Lisbon, May 28, 1907.

SIR: Continuing the subject of my No. 306, of April 22, 1907, I much regret to report that immediately after the promise made me by Mr. Luiz de Magalhaes, then minister for foreign affairs, to do his utmost to have Freitas released, that minister resigned from the ministry and left for his estates in northern Portugal. I have, however, urged upon his successor prompt consideration of this case, which he has promised me. Hence, I hope that there will be no more delay on the part of this Government in reaching a decision.

I have, etc.,

CHARLES PAGE BRYAN.

File No. 2956/4.

The Secretary of State to Minister Bryan.

No. 135.]

DEPARTMENT OF STATE,
Washington, June 13, 1907.

SIR: I have to acknowledge the receipt of your No. 319, of the 28th ultimo, reporting that, owing to cabinet changes, the release of Frank Freitas has been delayed.

In reply I have to say that your action in pressing for a prompt consideration of the case is approved. If Freitas has not been released when this instruction reaches you, you will bring the case to the attention of the minister of foreign affairs again as one which has already been too long delayed.

I am, etc.,

E. ROOT.

File No. 2956/5.

Minister Bryan to the Secretary of State.

No. 322.]

AMERICAN LEGATION,
Lisbon, June 4, 1907.

SIR: Referring to your instructions No. 126, of April 13, 1907 (file No. 2956/1), in which I was directed to make a careful investigation of the laws relating to the Portuguese military service and of their interpretation by this Government, I have the honor to report that in addition to the existing laws the war department informs me that new regulations have been drafted and submitted to the minister for foreign affairs for his approval before publication. These regulations are specially intended to facilitate compliance with the Portuguese military laws by those subject to them who reside in distant countries, such as America and Brazil. The new rules permit Portuguese citizens living abroad to pay to the nearest consul of their country the fines which exempt them from military service. Copies of these new regulations will be sent me as soon as they are issued, and transmitted by me to the department with those now in force.

I have, etc.,

CHARLES PAGE BRYAN.

File No. 2956/7.

Minister Bryan to the Secretary of State.

No. 330.]

AMERICAN LEGATION,
Lisbon, July 16, 1907.

SIR: I have the honor to report concerning the Freitas case that the minister for foreign affairs told me yesterday that he had obtained the promise of his colleague of war that Freitas should be indulgently treated, and that he hoped within a few days to be able to inform me of the prisoner's release.

I have, etc.,

CHARLES PAGE BRYAN.

File No. 2956/9-11.

Minister Bryan to the Secretary of State.

No. 333.]

AMERICAN LEGATION,
Lisbon, July 23, 1907.

SIR: Complying with the instructions contained in your No. 126, of April 13 (file No. 2956/1), I have the honor to transmit, under separate cover, the regulations governing military service in Portugal

and to inclose herewith translations of such chapters as relate to enlistments and drafting for the army, as well as to requirements for the reserve. As I have reported in previous dispatches on this subject, the Portuguese authorities maintain that the new military regulations issued in the decree of the 27th of June, 1907, will remove the chief cause for most of the questions that have arisen between our Governments concerning the status as citizens of Portuguese residing abroad, or for those returning to their native land for visits or permanent residence. These regulations facilitate the payment of ransoms by any Portuguese subject sojourning abroad liable to military service. They authorize the nearest consular officer of this country to receive and transmit remission fees, thus obviating the necessity for long journeys or a return to Portugal by emigrants who can ill afford such additional expense.

I am transmitting in my dispatch No. 332,^a of this date, a copy and translation of the regulations of the 25th of April, 1907, which modify the hitherto rigorous exactions to which such foreigners who desired to leave Portugal by sea were subjected, and which modifications are referred to in the decree herein mentioned.

I have, etc.,

CHARLES PAGE BRYAN.

[Inclosure 1.—Translation.]

Regulations governing the service of army and navy recruits.

[Decree of December 24, 1901.]

CHAPTER I.

GENERAL DISPOSITIONS.

SECTION I.—*The object of recruiting—Constitution of the military forces.*

ARTICLE 1. The recruiting service to which this chapter refers is especially meant to supply to the divers units of which the army and navy are composed the men necessary for the constitution of the military forces.

ART. 2. The minister of war superintends the recruiting service.

ART. 3. The military force is composed of—

1. The active troops of the army and navy.
2. The reserve troops of the army and navy.
3. The troops organized according to military discipline, although in the time of peace not subject to the war and marine offices.

ART. 4. The active or regular troops of the army, besides those mentioned as belonging to the respective organizations, consist of soldiers of the active contingents serving their last three years or the two last years when the Government exercises its legal right conceded by the decree of the 13th of July, 1899.

§§ The regular troops of the army are constituted under the same conditions by the active contingents of the last six years.

ART. 5. There are two reserves, the first and the second.

ART. 6. The first reserve is composed of men who have served their legal time in the regular army.

ART. 7. The second reserve is composed of—

1. Men who have completed their time in the first reserve.
2. The men chosen by the inspection committees for military service, who have remained over from the active contingents.
3. Those whose exempting bounty has been paid.

^a Not printed.

4. Of substitutes.

5. Those who, according to the conditions of this regulation, act as a support to their families and who, under the same regulations, are proved to be good shots.

SECTION II.—*Period of military service.*

ART. 8. The period of military service is—

(a) Three years for regulars, five in the first reserve and seven in the second for youths incorporated in the units of the army as volunteers, recruits, or conscripts.

(b) Six years for regulars, five in the first reserve and seven in the second for the delinquents incorporated in the active units of the army.

(c) Eight years for active troops or regulars, and four in the second reserve for the delinquents enlisted after the 19th of May, 1884, and belonging to the contingencies decreed up to 1884.

(d) Eight years for regulars, four in the first reserve and three in the second for youths under 20 years and over 15, who have enlisted in the army as apprentice musicians, drummers, trumpeters, and farriers.

(e) Fifteen years for those enlisted in the second reserve.

(f) Eighteen years for the delinquents of the second reserve.

(g) Eight years for regulars and six in the first reserve for the naval recruits.

(h) Nine years for regulars and six in the first reserve for the naval delinquents.

(i) Eight years for regulars and one in the first reserve for those under 20 and over 15 who enlist in the navy as cornet players.

(j) Eight years for regulars for pupils who have left the naval schools.

§ I. The Government, at the end of the second year of their incorporation in the active units, may order the recruits and conscripts of the army to be transferred to the first reserve.

§ II. The substitutes will serve the time that is due from the substituted to complete their legal period of service. The substituted will complete in the second reserve the period of service ordered for the substitutes.

§ III. The period of active service is counted from the day on which the men enter the active units of the army and navy.

§ IV. The period of service in the second reserve for the youths who enlist outright is counted from the date of the swearing in.

§ V. The exempted men serve for five years in the second reserve whatever may be their rank in the line.

§ VI. The period that the men may have served in the active service, as readmitted, or by having contracted any new duties in this service under the terms of the present law, will be excluded in the reserve as well as the additional active service, with the exceptions to be found in the military justice code within any especial law. The time served in active units will in the same way be discounted to the exempted men.

§§ VII. The men of the second reserve enlisted into active service as substitutes the period prior to their enlistment will be deducted from the time required for them to remain in the reserve.

§ VIII. The period of active service for the men quartered in the over-sea provinces will be counted as double for all purposes from the day of their disembarkation abroad to the day they embark for home. The accounting will be made after the men have returned to Portugal.

§ IX. All the soldiers of the line at the completion of the period at which they are obliged to enter the second reserve, will retain their names in the registers of the military service until they are over 45 years of age, in order that they may, in case of war only, be utilized in local defense, having no duties whatever in the time of peace. In such cases the date at which they were relieved from military service must be definitely recorded in their notebooks, stating when their duties end, or if at their termination the men still remain in active service they must state when their service in the respective corps will end.

ART. 9. Excepting in extraordinary cases, recognized as such by the Government, the commanders of the different corps will transfer to the reserve or release from military service all soldiers who are entitled to this change in their status with the following conditions:

1. That they are not involved in any court-martial or undergoing any sentence passed by the military courts.

2. That they are not undergoing any military punishment.

3. That they are not ill in hospital or convalescent or on sick leave granted by the health committee, unless they desire to be transferred to the reserve or to be personally dismissed.

§ I. To men serving on ships stationed outside the ports of the Kingdom, and to those in any army corps stationed in the over-sea colonies, transfer to the reserve can only be granted after their return to Portugal, unless they should wish to reside in the colonies as reservists, in which case they can be transferred to the reserves as soon as the order for their return journey has been received.

§ II. Transfer to the reserve or release from military service when caused by extraordinary circumstances will be granted as soon as these circumstances terminate.

ART. 10. The registered leaves of absence, in times of peace, will be granted by the commanding officers of the corps according to the terms of the regulations, at the request of the commanders of the companies or batteries, according to the number of leaves of absence fixed by the secretary of war.

ART. 11. No man in active service can obtain certificates of physical incapacity during the first six months of their incorporation in the active units and without having completed their military instruction, unless there be a case of serious lesion or deformity that absolutely forbids work or that may cause danger of contagion to the collective force.

The same procedure will be used in regard to men of the second reserve.

§ The men to whom, during the first year of incorporation into active corps of the army, leave is granted by the hospital inspection committee will receive no pay, and the leave they may have had before completing their military instruction will be deducted in their time of service.

SECTION III.—*General conditions of military service.*

ART. 12. Military service must be performed personally and is obligatory, the following alone being permitted:

1. Substitution between brothers.

2. Exemption by bounty payment from active service and from the first reserve.

3. The postponement of a brother's inscription in the military lists.

4. The postponement of the inscription of the masters and crews of lifeboats.

5. The postponement of the inscription of the youths who study theology.

6. The exclusion of priests in sacred orders and of sailors to which No. 4 refers.

ART. 13. The enforced military service commences in the year in which the youths attain their twenty-eighth year.

§ 1. Any youth over 16 years possessing the necessary height and physique can enlist before that time.

§ 2. In time of peace the enforcing of the military service for those having been included in the inscription is proscribed at the conclusion of ten years, counted from the day on which they were called for military service.

ART. 14. The contingents destined for the municipal and fiscal guards will be incorporated in the army, the corps of the said guards being filled by duly instructed men transferred from active troops, preference being given to those who voluntarily offer their services in the same corps.

§ 1. The home office, on the proposal by the commander in chief of the municipal guards, will communicate to the war office the number of men having, according to the list, one year of service that are necessary to complete the respective corps; the same communication will be made to the exchequer office with regard to the fiscal guards. The war office will determine every year the number of men which the military divisions will contribute to the municipal and fiscal guards.

§ 2. The men transferred from the army to the municipal and fiscal guards should complete in these organizations the period for active service which they owe, according to the nature of their enlistment, excepting when they are not acceptable in the guards corps, in which cases they will be returned to the army, where they will complete their time of service.

CHAPTER VIII.

SUBSTITUTIONS—RANSOMS.

SECTION I.—*Substitutions.*

ART. 149. The youths who are proclaimed recruits, and men of the army and navy classified as volunteers or recruits, whatever contingent they may belong to, are permitted to substitute brothers for themselves, on condition that they be free from the obligation of active service and that they are not over 35 years of age.

ART. 150. The youths who in the terms of the preceding article wish to substitute themselves will give in writing their request to the commanders of the reserve and recruit district if they belong to the second or if they have not been enlisted, and to the commanders of the respective corps if they have served in active corps, so that they may be duly sent to the war office or to the ministry for marine and the colonies, accompanied by the following documents:

1. Contract for substitution.
2. Certificate passed by the commander of the district for recruiting and reserve that the substitute was not judged incapable of service by the medical inspectors or that he is free from enforced active service or with the first reserve.
3. Certificate signed by the parish priest and the regedor (see note 1) giving residence and birthplace, whether married or single, or a widower without children, and in case of the death of these, their respective death certificates.
4. Certificate of the criminal register of his native district, proving the substitute to be free of crime, or if he is under sentence, a certificate of the condemning sentence, proving it is not incompatible with military service.
5. A certificate of good conduct passed by the administrative authority or the police of the domicile of the substitute.
6. A certificate of identity of the substitute, signed by the commander of the district for recruiting and reserve, or by the second officer in command, according to circumstances, before trustworthy witnesses.

7. Bond.

§ 1. The substitutes who belong to contingents decreed up to 1895, and are free from enforced military service for having exceeded the number of lots of the contingents voted for the active corps of the army or navy, should, besides the documents mentioned in Nos. 1, 3, 4, 5, 6, and 7, present also a certificate of age showing they have not exceeded 35 years, and a certificate, passed by the respective committee, proving that the substitute was on the conscription lists.

§ 2. The documents referred to in the preceding paragraph and Nos. 3, 4, and 5 should be written on stamped paper and signed by an attorney; those designated by the Nos. 2, 4, and 6 should be authenticated with the stamp of the offices where they are passed.

§ 3. The documents required by the Nos. 3, 4, and 5 are essential for the execution of this article when its date be thirty days before that of the written petition in which the substitution is requested.

§ 4. When the substitute has personally gone through all the military service, besides the document designated by the No. 5 the military notebook should also be added to the written petition, or a certified copy and certificate of what is stated in the disciplinary registry, showing the man's good conduct during his period of service. The document referred to in § 1 and No. 2, and also Nos. 4 and 5, may be dispensed with if the substitution be effected within a month's time of the substitute quitting active service. When the substitute belongs to the second reserve the written petition should be accompanied by a register of notes, the documents mentioned in § 1 and No. 2 being dispensed with, and also the Nos. 4 and 5 under the conditions mentioned above.

ART. 151. Should the substitute not present himself, the dispatch granting the substitution will be annulled, and the secretary of the committee of the inscription lists will, at the request of the commander of the recruiting and reserve district, notify the substituted to present himself within forty-eight hours to receive his permit.

§ 1. The said dispatch will also be annulled if when the substitute has presented himself he be judged permanently or temporarily incapable of military service, in which case the substituted will be entered on the lists, being only

allowed to make a new written petition for a fresh substitute after having enlisted. In the same way the substitute will be entered on the lists should the substitute be declared incapable of service within six months of his enlistment.

§ 2. Should the substitute not present himself after having received the notice, the disposition in article 168 is applicable.

ART. 152. When the enlistment of the substitute has been obtained by documents to falsely testify to his capacity for military service, or when the conditions referred to in § 4 of article 150 have been concealed, the contract of substitution will be annulled and the substitute forced to enlist and serve the time he was previously liable to, criminal responsibility falling on those who made the false statements.

SECTION II.—*Bounties.*

ART. 153. The bounties to secure exemption from active service in the army or navy may be affected before or after enlisting in the active-service corps.

ART. 154. The amount of the bounty is 150\$000 reis, or 300\$000 reis in the case of delinquents for the youths exempted before enlisting in the active corps, or being line soldiers in the second reserve before being added to the preferred number of the corps where they have been transferred as substitutes for soldiers of the army or navy who have served in the corps for six months at least and are ready for the service.

§ 1. The men wishing to secure exemption before the time appointed in No. 2 of this article will pay the bounty referred to in No. 1.

§ 2. The bounty referred to in No. 1 of this article may be paid in three semi-annual installments, the first being paid as soon as the soldier or sailor presents his petition, exception being made to those who are absent, these paying the whole amount at once.

Payment of the bounty in installments can only be permitted when the soldier or sailor presents some one of assured integrity to stand as surety for him and who will guarantee on a written form to give up to the military authorities the man he stands surety for or pay the installments due should he fail to pay them on the day fixed.

The bond will be registered by the authorities who granted the permit, but it is the respective commanders of the recruiting and reserve district who have to take the necessary measures to fix the responsibility of the person acting in surety in view of the bond referred to, which will be sent him at the proper time by the commander of the active unit or regiment, if the latter has recorded it in his archives.

§ 3. To the men indicated in No. 2 and in § 1 who within due time state their wish to pay bounty those articles of uniform strictly indispensable should alone be distributed.

At the termination of the six months from the time of enlistment or on the day following that on which their instruction was considered completed if they should not purchase exemption themselves they will be given the remaining articles of uniform.

§ 4. The product of these bounties will constitute a fund to the State, and will be exclusively applied—that of the army recruits to the expenses for the instructions of the second reserve, for the recruiting services under the military authorities, and for buying provisions of war, and that of the naval recruits for the acquisition of articles for naval use.

§ 5. The exempted recruits who, having been called as substitutes for active service, are freed from this service because their respective contingents had an excess in numbers, or had been by error classified as delinquents, may write a petition within the period of two years from the date on which they were released from the service, or of the decision by which they were designated as delinquents, requesting that the sum paid for their exemption—150 or 50\$000 reis—be reinstated to them. After the aforesaid period they lose all right to any restitution.

In the same way the men wrongly called to active service have an equal right to restitution, as well as those whose bounty, by order of the minister of war or of marine, is not confirmed.

The written petition should be sent in to the war or marine offices, with documents of proof and the roster proving that the contingent was complete if the reason be the excess over the contingent.

ART. 155. The youths over 14 years of age and the men of the second reserve liable to be called as supplementaries to active service who should before this takes place desire to go abroad may exempt themselves beforehand by paying 150\$000 reis. This bounty should be paid at one time.

ART. 156. Those individuals not yet incorporated in the active units who request from the secretary of the committee for the drawing of lots a permit with which they present themselves to the commander of the recruits and reserve district, who will supply them with a fresh permit for them to pay the price of their exemption on the respective installment in the central treasury of the district or in the treasury of the *concelho*.

§ 1. The receipt of the sum paid down will be recorded in the archives of the head district offices, the bounty being definitely acknowledged after being paid in full and noted down in the recruiting books.

§ 2. The youths exempted before being brought before the committee of inspectors of the recruits will be enlisted without inspection, and if, after having enlisted in the second reserve, they are judged incapable of military service by the hospital committee, they shall have no right whatever to restitution.

§ 4. Individuals who request exemption have no right to the subsidy and transport in article 77.

§ 5. The commander of the recruit and reserve districts will send in to the war office, or to the marine office in the case of men subject to naval service, monthly reports of the youths exempted before enlistment and of those enlisted in the second reserve who were exempted before presenting themselves in active service units. When there are no exemptions during the month the commanders referred to will substitute for the report a note communicating the fact.

ART. 157. To make effective the exemptions of the men incorporated during the month the commanders referred to will substitute for the report a note communicating the fact.

§ 2. The men who wish to secure exemption will duly request from the commanders of the corps permits (according to form No. 36) to permit them to pay into the treasury of the district where their corps in quartered the accounts of their bounties, stating at the same time whether they wish to pay by installments, should they be included in § 1 of article 154.

2. The written petitions of the men asking to be allowed to pay their bounties should be sent into the war office, or to the marine office when the men are for naval service, accompanied by receipts for the sums paid in by the book of military notes and its corresponding information.

3. The exceptions will only be considered as affected when the bounty has been all paid in. The commander of the corps should communicate in his book of military notes that the man has paid any debt he may have in the administrative council, designating the time he actually served, leaves of all kinds not being counted excepting that which it is usual to grant at Christmas, from *Quinquagesima Sunday* until *Ash Wednesday Sunday*, and at *Easter, illness* and other contingencies not being counted.

4. Registered leave of absence will be given to those men who send in their petitions for exemptions, having fulfilled the preceding condition, until their petition be acted upon at headquarters, when the bounties are paid down in lump sums or until the last installments are paid, when it is by installments.

5. The men who send in petitions to be exempted, whatever may be their status, have no right to payment of return passage to their domicile on the occasion when the exemption is granted them.

ART. 158. When the bounty is paid by installments those interested should, apart from the written intention, request for themselves or for their representatives, after the lapse of six months from the time their permit was given them, a fresh permit for the payment of the second installment, acting in the same manner, with relation to the third and last installment of the bounty, for fear the exemption be not effective in spite of the responsibility taken by persons acting as their sureties, there being no right to the restitution of installments already paid in.

§ 1. In the recruit and reserve district and in the active units a notebook will be kept in which will be inscribed the installments that are paid in. The commanders of the active units will send to the war office a monthly report of the installments paid in.

ART. 159. When the stamps of the office where the receipt was signed is not legible the different signatures should be made before and certified by a notary. The receipt will always indicate the amount of the installment paid in when the bounties are paid by installments.

ART. 160. The youths who wish to pay their bounties in a recruit or reserve district, other than that in which they are entered on the military lists, should send in a written petition to the commander of the military division in which they reside and to the military commander when they reside in the islands adjoining Portugal. Care will be taken at the respective headquarters that the permit (form No. 30) shall be remitted from the district of the military lists to that of the residence of the youths referred to, so that in the latter the permits may be drawn up and given to those interested. After the receipt for payments has been presented the youths will be enlisted in the recruit and reserve district of their place of residence, if their enlistment has not been previously verified. The receipt for the payment of the bounties will afterwards be sent to the residence district to that of the conscription lists, so that they be written down in the receipt book and the documents be recorded in the archives.

§ —. The above will also hold good with regard to soldiers of the second reserve who wish to obtain their exemption because they are liable to be called to active service as supplementaries.

ART. 161. The commanders of the recruit and reserve districts should not demand the characteristic marks in the permits of youths residing in the oversea colonies or in a foreign country who wish to pay their bounties through a representative.

[Extracts from the Diario do Governo, July 1, 1907.]

Instructions to which the decree of this date (June 27, 1907) refers.

1. Emigrants over 14 years of age, on whom military service is not yet enforced, and who have fulfilled the conditions established in section 1 of article 4 of the law of the 25th of April, 1907, when they attain the age for conscription in the military lists, can obtain their freedom from active service and from the first reserve by paying a bounty of 150\$000 reis, account being taken of any deposit that may have been made before the Portuguese consul or vice-consul of the locality where they reside, or, failing that, at the nearest locality possessing a consular functionary.

2. The emigrants under 14 years of age, on attaining the legal age for inscription on the military lists, secure exemption for themselves by paying the sum of 150\$000 reis before the above-mentioned authorities.

3. The aforesaid disposition applied to individuals who may have emigrated before the 25th of April, 1907, when they are over 26 years of age and are considered delinquents, and also to emigrants over 14 years of age who do not fulfill the conditions included in article 155 of the rules for the service of the 24th of December, 1901, when they attain the legal age for inscription in the military lists.

4. Individuals over 20 years of age and under 30 who are not called for conscription can obtain exemption for 150\$000 reis, their intention being afterwards legalized by being recorded in the military lists.

5. Individuals who have not yet attained 26 years of age and are declared delinquents will pay a bounty of 300\$000 reis.

6. The amount of the exemption will be paid in a lump sum.

7. The consular functionary will give receipts to the persons interested of the amount received, and will immediately request the respective military notebooks from the war office. The receipts will constitute documents until the exempted men receive their record books, which should be requested at the consulate within six months of the date on which the bounty was paid, and given in exchange for the respective receipts.

8. Immediately after the payment of the bounties the exempted men will take the oath of fealty, excepting those already enlisted in the second reserve, and the respective notes m/85 of the Portuguese consular rules will be sent every month to the war office.

9. Emigrants who, in the conditions of section 1 of article 4 of the aforesaid law, have a right to the amount of bounty or deposit they may have made before emigrating should address a written petition to the war office for its restitution within two years from the date on which for any reason they obtained their release from active service. After this period of time they lose all right to restitution.

10. The interest on the bonus will be sent every month to the Bank of Portugal by a check to order of the war office with a copy of the report as here shown, in which the statement should be made that it is for the bonus fund.

11. When such procedure is impossible the remittance may be made through the respective consular functionary to the nearest consulate, where the measures indicated in depositions 10 and 11 can be taken by check to order of the same office on any thoroughly trustworthy bank in Lisbon or Oporto.

12. When even this procedure is impracticable the same remittance may be made by the respective consular functionary to the nearest consulate where one of the means of remitting prescribed in 10 and 11 can be adopted.

13. The exempt men, under these conditions, would be considered as residing in the localities where they live, the documents required in article 70, section 4, of the regulations for the reserve being dispensed with.

14. The consular functionaries will directly communicate with the war office for the observance of the said conditions.

[Inclosure 2.—Translation.]

SECTION IV.—*Regulations governing army reserves.*

ART. 70. Recruits who desire to go abroad should deliver to the district commandant their documents, accompanied by enlistment papers in due form, and they must, besides, furnish a record of their military life and the identification proofs of the recruits. These will deliver the report to the headquarters of the division, which will forward it to the commanding officer, who, with the indorsement of the secretary, in case it is approved, will transmit the permit to the recruits, and they, in turn, will present the same to the civil authorities.

File No. 2956/6.

Minister Bryan to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Lisbon, July 29, 1907.

Freitas liberated.

BRYAN.

File No. 2956/12.

Minister Bryan to the Secretary of State.

No. 336.]

AMERICAN LEGATION,
Lisbon, July 29, 1907.

SIR: I have the honor to confirm my cable message of this date as follows, and to report that the minister for foreign affairs to-day corroborated what he told me at our last interview, stating that his colleague of the war office has fulfilled the promise to release Francisco Freitas from custody in Funchal.

I have, etc.,

CHARLES PAGE BRYAN.

File No. 2956/9-11.

The Acting Secretary of State to Minister Bryan.

No. 139.]

DEPARTMENT OF STATE,
Washington, August 10 1907.

SIR: The department has received your No. 333 and the translation of the Portuguese regulations concerning military service, and notes your statement that the Portuguese authorities maintain that the new regulations will remove the chief cause of any questions which may have arisen between this Government and the Portuguese Government concerning the status of American citizens formerly subjects of Portugal when they return to that country.

The department has examined the new regulations, but is of opinion that they do not touch the question which it is desired to have regulated by a naturalization convention between the two Governments. The object of such a convention would be to define the rights of the citizens or subjects of either country when they return to the other country, whereas the regulations recently adopted by the Portuguese Government relate entirely to the performance of military service and exemption from military service of Portuguese subjects. You are instructed, therefore, to inform the Portuguese Government of this view, and to state that this Government is strongly of opinion that the conclusion of the convention it has proposed will certainly have a beneficial influence in conserving the friendly relations which so happily exist between the United States and Portugal.

I am, etc.,

ALVEY A. ADEE.

File No. 2956/13.

Minister Bryan to the Secretary of State.

No. 342.]

AMERICAN LEGATION,
Lisbon, August 26, 1907.

SIR: I have the honor to acknowledge your instructions of August 10, 1907 (file No. 2956/9-11) in relation to a naturalization convention between the United States of America and Portugal. In my No. 328, of July 9, 1907, I informed the department that I had expressed to the minister for foreign affairs as my opinion one identical with that you now direct me to suggest in favor of a naturalization convention. The minister after due consideration acquiesced in our contention and, as previously reported, referred the proposed treaty to the minister of justice to put in form for submission to us. Several times since the minister for foreign affairs has referred to this subject, always expressing hope that the proposed convention may soon be concluded as a further guarantee of the continuance of the friendly relations happily existing between our countries.

I have, etc.,

CHARLES PAGE BRYAN.

ROUMANIA AND SERVIA.

COMMERCIAL TREATY BETWEEN ROUMANIA AND ITALY.

File No. 5884/-1.

Chargé Schuyler to the Secretary of State.

No. 68.]

AMERICAN LEGATION,
Bucharest, April 2, 1907.

SIR: I have the honor to inclose herewith two copies ^a of the Monitorul Oficial of to-day's date, which contains the original French text and a translation into Roumanian of the treaty of commerce between Roumania and Italy, of which the text was signed at Bucharest on November 22 (December 5), 1906, and the ratifications exchanged on March 19 (April 1), 1907. To this treaty was added a final protocol signed and ratified the same dates and a convention for the protection of works of literature and are also of the same date. The text of the convention will be found printed immediately after the final protocol of the treaty of commerce. It provides that books published and copyrighted in either of the two countries will enjoy all rights of protection in the other country which is accorded to books published in that country.

I have, etc.,

MONTGOMERY SCHUYLER.

COMMERCE AND NAVIGATION TREATY BETWEEN ROUMANIA AND FRANCE.

File No. 6200/-1.

Chargé Schuyler to the Secretary of State.

No. 72.]

AMERICAN LEGATION,
Bucharest, April 18, 1907.

SIR: I have the honor to inclose ^a herewith a copy of a part of the Monitorul Oficial for to-day, which contains the original text in French and a translation into Roumanian of the treaty of commerce and navigation between Roumania and France, concluded at Paris on March 6, 1907, and approved by the Roumanian Senate on March 9 (22), to which is appended a "Declaration" and an "Arrangement" concerning the protection of works of literature and art which places France and Roumania reciprocally on the footing of the most favored nations.

I have, etc.,

MONTGOMERY SCHUYLER.

^a Not printed.

COMMERCIAL TREATY BETWEEN SERVIA AND ITALY.

File No. 4462/11-12.

Chargé Schuyler to the Secretary of State.

No. 22, Servian series.]

AMERICAN LEGATION,
Bucharest, March 21, 1907.

SIR: I have the honor to transmit, under separate cover, two copies of the commercial treaty^a recently concluded between Servia and Italy.

The Servian Skuptchina has now passed the last of the series of commercial treaties negotiated upon the termination of the former arrangements with various European countries. The treaties of commerce which have now been passed and sanctioned by King Peter are those with Great Britain, France, Italy, Germany, Turkey, Roumania, Switzerland, and Russia. Copies of all of these, except the last two mentioned, have now been forwarded to the department by this legation. The others will be sent as soon as they can be obtained. All of these treaties have now come into effect.

I have, etc..

MONTGOMERY SCHUYLER.

COMMERCIAL TREATY BETWEEN ROUMANIA AND BELGIUM.

File No. 5196/-1.

Chargé Schuyler to the Secretary of State.

No. 59.]

AMERICAN LEGATION,
Bucharest, March 2, 1907.

SIR: I have the honor to inclose herewith a copy of the commercial treaty^a recently concluded between Roumania and Belgium, which was ratified at Bucharest, December 30, 1906 (January 12, 1907).

I have, etc.,

MONTGOMERY SCHUYLER.

^a Not printed.

RUSSIA.

CITIZENSHIP OF CLEMENS BELLING.

File No. 3507.

Ambassador Meyer to the Secretary of State.

No. 717.]

AMERICAN EMBASSY,
St. Petersburg, December 15, 1906.

SIR: I have the honor to present the following passport case for your consideration:

Clemens Belling was born at Paris, France, on the 14th day of October, 1877. His father was a native American and appears to have been born in Philadelphia about the year 1841. The applicant is a circus performer at present engaged as clown, ring master, etc., with Boroffski's Courland circus now at Vladivostok, and represents the third generation of the family which has been engaged in the circus business. Our consul in Vladivostok, on being asked to report fully on the case, has not stated whether applicant speaks English.

The applicant has never been in the United States but was nevertheless granted a passport by this embassy in March, 1904. On this occasion he promised to return to the United States within one year and now explains that he was only prevented from doing so by the fact that he is dependent on his salary and must take engagements where they are offered. He now again makes the promise to return to the United States within one year, yet admits that he is contemplating a trip to China, Japan, and Manila. The birth certificate of one of his children issued at Manila in 1902 describes him as an American citizen.

Our consul in Vladivostok being asked as to his personal impression of the applicant, reports that the man seems to be an American citizen.

I have, etc.,

G. VON L. MEYER.

File No. 3507.

The Acting Secretary of State to Ambassador Meyer.

No. 204.]

DEPARTMENT OF STATE,
Washington, January 11, 1907.

SIR: I have the honor to acknowledge the receipt of your No. 717, of the 15th ultimo, reporting the application of Clemens Belling for a passport.

From the facts stated he appears to be an American citizen by birth, and the animus revertendi is alleged.

There seems to be no circumstances which show an establishment in any other country. The nature of his calling, that of a circus performer, is such that his life must be nomadic.

The department is of opinion that a passport should be granted him.

I am, etc.,

ROBERT BACON.

FAMINE IN RUSSIA.

File No. 4757.

The Acting Secretary of State to Ambassador Riddle.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 21, 1907.

Is Russian Red Cross carrying on relief measures for famine sufferers of Russia?

BACON.

File No. 4757/1.

Ambassador Riddle to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, February 22, 1907.

Russian Red Cross is carrying on relief measures and has furnished 3,000,000 roubles in last six months, but would nevertheless be grateful for any outside aid.

RIDDLE.

File No. 4757/6-7.

The Acting Secretary of State to Ambassador Riddle.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 10, 1907.

Five thousand dollars received from American National Red Cross. Draw Secretary of State for same and pay to Russian Red Cross for relief Russian famine sufferers.

BACON.

File No. 4757/6-7.

The Acting Secretary of State to Ambassador Riddle.

DEPARTMENT OF STATE,
Washington, April 11, 1907.

SIR: I have to confirm the following telegram sent to you on the 10th instant.^a A copy of the letter from the American National Red

^a Not printed.

Cross transmitting the above-mentioned amount is inclosed herewith for your information.

A receipt for the amount should be taken and forwarded to the department.

I am, etc.,

ROBERT BACON.

File No. 4757/8-9.

Ambassador Riddle to the Secretary of State.

No. 31.]

AMERICAN EMBASSY,
St. Petersburg, April 18, 1907.

SIR: I have the honor to confirm herewith department's telegram received the 11th instant.^a As soon as I could see Baron Meyendorff, the director ad interim of the Russian Red Cross, I handed him the sum of 9,700 roubles, proceeds of the draft for \$5,000 as shown by the inclosed memorandum of the St. Petersburg Commercial Joint Stock Bank. I also inclose the receipt for the sum mentioned of the Russian Red Cross with an English translation.

I have, etc.,

J. W. RIDDLE.

File No. 4757/16-17.

The Acting Secretary of State to Ambassador Riddle.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 15, 1907.

Draw for \$3,000 and pay Russian Red Cross, relief famine sufferers, received from American Red Cross.

BACON.

File No. 4757/17A.

The Acting Secretary of State to Ambassador Riddle.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 1, 1907.

Draw on Secretary of State \$1,000, received through American Red Cross; pay same to Russian Red Cross secretary, for relief famine sufferers.

BACON.

^a Not printed.

File No. 4757/18-22.

Ambassador Riddle to the Secretary of State.

No. 40.]

AMERICAN EMBASSY,
St. Petersburg, May 25, 1907.

SIR: I have the honor to confirm herewith your telegram of May 15, reading as follows.^a I inclose a receipt from the Russian Red Cross Society for the sum of 5,820 rubles (with translation) and a banker's memorandum showing that the draft for \$3,000 produced the sum of 5,820 at 1.94, the rate at which it was sold.

I also transmit the translation of two letters received from the Russian Red Cross conveying the thanks of the Dowager Empress to the American Red Cross and the individual contributors.

I have, etc.,

J. W. RIDDLE.

[Inclosure 1.—Translation.]

(Receipt No. 83796 for rubles 5,820. The Central Administration of the Russian Red Cross.)

On May 5 (18), 1907, the treasury received and entered, under article No. 3719, from the American Red Cross Society, for the relief of famine sufferers, 5,820 rubles.

V. TONKOFF, *Treasurer.*B. KOSHENIKOFF, *Comptroller.*

[Inclosure 2.—Translation.]

The Director of the Russian Red Cross Society to Ambassador Riddle.

(The Red Cross Society, under the patronage of Her Imperial Majesty of Russia Marie Feodorovna.)

THE CENTRAL COMMITTEE,
St. Petersburg, May 5 (18), 1907.

SIR: The central committee of the Russian Red Cross Society has received from the American National Red Cross Society, through the intermediary of your excellency, the sum of 9,700 roubles, collected in America for the benefit of the famine sufferers in Russia.

Her Imperial Majesty the Empress Marie Feodorovna, the august patroness of the Russian Red Cross Society, having been informed by me of this donation, has ordered me to express on the part of Her Imperial Majesty to the American Red Cross Society, as well as to all the persons who contributed in this collection, her deep appreciation.

In communicating the above to your excellency the central committee of the Russian Red Cross takes the liberty of requesting your excellency to make known to the American Red Cross, as well as to the American contributors, the will of Her Imperial Majesty as above expressed.

I avail, etc.,

BARON MEYENDORFF.

^a Not printed.

[Inclosure 3.—Translation.]

The Acting President of the Russian Red Cross Society to Ambassador Riddle.
(The Red Cross Society, under the patronage of Her Imperial Majesty of Russia Marie Feodorovna.)

THE CENTRAL COMMITTEE,
St. Petersburg, May 11 (24), 1907.

SIR: The central committee of the Russian Red Cross Society has received from the American National Red Cross Society, through the intermediary of your excellency, the sum of 5,820 roubles, collected in America for the benefit of the famine sufferers in Russia.

This information having been brought to the knowledge of Her Imperial Majesty Marie Feodorovna, the august patroness of the Russian Red Cross Society, Her Imperial Majesty has ordered me to express to the American Red Cross Society, as well as to all the persons who participated in this donation, her deep appreciation.

In communicating the foregoing to your excellency the central committee of the Russian Red Cross takes the liberty of requesting your excellency to make known to the American Red Cross Society, as well as to the American contributors, the desire of Her Imperial Majesty as expressed above.

Please to receive, etc.,

COUNT M. NIEROT.

File No. 4557/23-25.

Ambassador Riddle to the Secretary of State.

No. 45.]

AMERICAN EMBASSY,
St. Petersburg, June 3, 1907.

SIR: In compliance with the department's cable received June 2,^a I have this day drawn upon you for \$1,000, the proceeds of which, namely, rubles 1,940, I have paid over to the Russian Red Cross Society, and have the honor to inclose herewith the receipt of the Red Cross, with translation, together with a memorandum of the banker showing the rate at which the above-named draft of \$1,000 was purchased.

I have, etc.,

J. W. RIDDLE.

[Inclosure.—Translation.]

No. 83890.]

Rubles 1,940.

Receipt of the chief direction of the Russian Red Cross Society.

On May 21 (June 3), 1907, was received by the treasury of this administration and credited under article No. 4199, from the American Red Cross Society for the relief of famine sufferers, the sum of 1,940 rubles.

W. TONKO, *Treasurer.*
I. KOSHENNIKOFF, *Comptroller.*

File No. 4757/26.

The Secretary of State to Chargé Schuyler.

No. 72.]

DEPARTMENT OF STATE,
Washington, November 9, 1907.

SIR: I inclose a copy of a letter ^a from Mr. Charles L. Magee, secretary of the American National Red Cross, who asks that it may

be ascertained whether the Russian Red Cross Society is still engaged in relief work in behalf of the famine sufferers and, if so, whether a further contribution, already on deposit here, would be acceptable.

I am, etc.,

E. ROOT.

File No. 4757/27.

Chargé Schuyler to the Secretary of State.

No. 164.]

AMERICAN EMBASSY,
St. Petersburg, December 10, 1907.

SIR: In reply to your instruction No. 72, of November 9 (file 4757/26), I have the honor to inform you that, in response to my inquiry, the president of the Russian Red Cross Society stated that on account of the continued bad condition of the crops this year in those portions of the country which have already suffered severely from famine his society is still extending aid to the sufferers and any assistance will be greatly appreciated.

I have, etc.,

MONTGOMERY SCHUYLER.

CONVENTION BETWEEN RUSSIA AND GREAT BRITAIN CONCERNING THE INTERESTS OF THEIR STATES ON THE CONTINENT OF ASIA.

File No. 8570/9-11.

Chargé Schuyler to the Secretary of State.

[Extract.]

No. 110.]

AMERICAN EMBASSY,
St. Petersburg, September 28, 1907.

SIR: I have the honor to confirm herewith my telegram of the 26th instant, concerning the publication of the text of the convention between Russia and Great Britain, signed on August 31 last.

The French text of the convention was handed to the ambassador just before his departure by M. Goubastoff, the acting minister for foreign affairs, who stated that the same text was to be given out for publication in Washington on the 25th. In view of that statement I did not think it necessary to telegraph the contents of the treaty, since it would have been public property as soon as my telegram could have reached the department.

The treaty has been received here on the whole with satisfaction, not so much, perhaps, at the actual wording of the document, as at the idea of a beginning of a secure understanding between Russia and Great Britain with regard to their interests in Persia, Afghanistan, and Thibet.

I transmit herewith a copy of the French text of the treaty,^a together with the text of the notes exchanged between the Russian foreign office and the British ambassador, by which the two countries agree not to send any scientific missions to Thibet for the space of three years from date, and to urge the Chinese Government to do the same.

I have, etc.,

MONTGOMERY SCHUYLER.

[Inclosure 1.—Translation.]

The British Ambassador to the Minister for Foreign Affairs.

ST. PETERSBURG, August 18/31, 1907.

MR. MINISTER: Referring to the arrangement on the subject of Thibet, signed to-day, I have the honor to make to your excellency the following declaration: The British Government considers it useful, as far as depends on it, not to admit, except by previous agreement with the Russian Government, for a period of three years from the date of the present communication, entrance into Thibet of any scientific mission whatever, on condition, however, that a similar assurance be given on the part of the Imperial Government of Russia.

The British Government proposes, besides, to address the Chinese Government to the end of securing from the latter the acceptance of a similar undertaking for a corresponding period; it is understood that the same step will be taken by the Russian Government.

At the expiration of the term of three years above mentioned the British Government, in common accord with the Government of Russia, will, if need be, consider whether it is expedient to take further measures concerning scientific expeditions in Thibet.

Accept, etc.,

A. NICHOLSON.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to the British Ambassador.

ST. PETERSBURG, August 18/31, 1907.

MR. AMBASSADOR: In answer to your excellency's note of this date, I have the honor to declare, in my turn, that the Imperial Government of Russia considers it useful, as far as depends on it, not to admit, except by previous agreement with the British Government, for a period of three years from the date of the present communication, entrance into Thibet of any scientific mission whatever.

Similarly to the British Government, the Imperial Government proposes to address the Chinese Government to the end of securing from the latter the acceptance of a similar undertaking for a corresponding period.

It remains understood that after the expiration of three years, the two Governments, in common accord, will, if need be, consider whether it is expedient to take further measures concerning scientific expeditions in Thibet.

Accept, etc.,

ISWOLSKY.

^a Not printed. For translation see under Great Britain, p. 549.

TREATY BETWEEN RUSSIA AND JAPAN GUARANTEEING THE
PRESENT TERRITORY OF EACH, THE INTEGRITY OF CHINA, AND
THE PRINCIPLE OF THE "OPEN DOOR" IN THAT EMPIRE.^a

SESSIONS OF THE DOUMA (PARLIAMENT)—ELECTION LAWS—GEN-
ERAL AFFAIRS IN RUSSIA.

File No. 79/79-80.

Ambassador Meyer to the Secretary of State.

No. 728.]

AMERICAN EMBASSY,
St. Petersburg, December 24, 1906.

SIR: I beg leave to report that an imperial ukaze published December 22, in St. Petersburg, fixes the date of the elections for the Douma for February 19.

The fact that, with the exception of the 75 deputies from the Caucasus and Siberia, the elections of the remaining 449 members are to be held simultaneously, has created great satisfaction.

A translation of the ukaze will be found on overleaf.

I have, etc.,

G. v. L. MEYER.

[Inclosure.—Translation.]

OFFICIAL MESSENGER, *December 9/22, 1906.*

IMPERIAL UKAZE.

Having recognized the necessity of fixing the date for the election of the new members of the Douma of the Empire in those parts of the Empire where at present the work of establishing and publishing the lists of electors has been ended, we, basing ourselves on article 128, of the election regulations of the Douma of the Empire (Collection of Laws, Vol. I, Pt. II, edition 1906) and in conformity with the special journal on the subject presented to us by the council of ministers, order: That the election of members to the Douma of the Empire, in the provincial election meetings of those governments which are conducted on the basis of provincial institutions (Collection of Laws, Vol. II, edition 1892) in the region of the Don and in the provinces of the kingdom of Poland, is to take place on February 6, 1907.

The ruling Senate to issue in this respect the proper instructions.

(Signed) NICHOLAS.

TSARSKOE-SELO, *December 7, 1906.*

File No. 79/74.

Ambassador Meyer to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, January 3, 1907.

Launitz, chief police Petersburg, assassinated to-day.

MEYER.

^a See under Japan, p. 765.

File No. 79/75.

Ambassador Meyer to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, January 9, 1907.

General Pavloff, military procureur, assassinated in St. Petersburg this morning.

MEYER.

File No. 79/84.

Ambassador Meyer to the Secretary of State.

No. 744.]

AMERICAN EMBASSY,
St. Petersburg, January 11, 1907.

SIR: I beg leave to report that the council of ministers, in modification of and in addition to the existing laws, has made the following ruling:

I. Those guilty of praising criminal acts in speech or writing, pronounced publicly or read, or of circulating, either in public writings or ideas, known to contain such praise, shall be subject to—

Imprisonment from two to eight months, or arrest not over three months, or a fine of not over 500 rubles.

II. Cases of criminal acts, mentioned in the preceding section (I), come under the jurisdiction of the district courts.

These rulings were confirmed by the Emperor January 6.

I have, etc.,

G. v. L. MEYER.

File No. 79/85.

Chargé Bliss to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, January 30, 1907.

Guidema, director Vassili Ostroff prison here, assassinated this morning about 11.

BLISS.

File No. 79/105-106.

Ambassador Riddle to the Secretary of State.

No. 16.]

AMERICAN EMBASSY,
St. Petersburg, March 20, 1907.

SIR: I have the honor to inclose herewith a copy of a circular, in the French text and with an English translation, which appeared in the Journal de St. Petersburg of March 19. It exhorts the provincial authorities, under penalty of dismissal and prosecution, to take stringent measures for the preservation of order in the interior.

I have, etc.,

J. W. RIDDLE.

[Inclosure.—Translation.]

Circular of the Minister of the Interior to Governors.

FEBRUARY 15 (28), 1907.

According to information in the possession of the ministry of the interior, the peasant population in certain localities, incited by agitators, is, since the

elections to the Douma of the Empire, manifesting a tendency to engage in disorder and attacks on the property belonging to their neighbors, landed proprietors, or rich peasants.

Refusing to admit even the possibility of a renewal of the excesses which occurred in 1905 and 1906, I am persuaded that in being foresighted and energetic, as regards the agitators and individuals, whoever they may be, who disturb public order and tranquillity, the local authorities will always be able to prevent any more or less serious outbreak and guarantee the regular course of public life. Taking this into consideration, I deem it my duty to draw your attention to the necessity of taking, without delay, all necessary measures, and of informing the personnel under your administration that functionaries who will be found negligent in taking immediate measures to prevent or repress disorders, as well as to safeguard life or private property, will have immediate punishment inflicted upon them which may lead to their dismissal from the service or prosecution before a tribunal.

In bringing the foregoing to your knowledge, I venture to believe that, conscious of the great importance of the duty invested in you by the Supreme Power, you will make use of all your energy and experience to maintain order within the limits of the Government. I deem it further necessary to warn you on this occasion that the governors will be the first persons to be held responsible should any disorders occur among the peasant population.

File No. 79/104.

Ambassador Riddle to the Secretary of State.

No. 18.]

AMERICAN EMBASSY,
St. Petersburg, March 23, 1907.

SIR: I have the honor to announce that the Douma resumed its sittings on Tuesday, March 19, another hall having been found to take the place of the Tauride Palace, which is not yet repaired.

This was the first sitting of any real interest or importance, as in it Mr. Stolypin, the prime minister, read the legislative programme of the Government, and from the manner of its reception some idea of the probable attitude of the different parties could be formed.

Mr. Stolypin's address declared it to be the Government's desire and intention to submit many measures of reform to the consideration of the Douma. While the government programme dealt chiefly in generalities, a few specific legislative changes were mentioned, the most important being:

Religious toleration, with certain privileges for the Orthodox Church.

The abolition of exile by administrative process.

Pensions for workmen.

Regulations of female and child labor.

New taxes, including an income tax.

Closing of Vladivostok as a free port.

At the close of Mr. Stolypin's address the leader of the Social Democratic party proposed a vote of want of confidence, but on this occasion the Constitutional Democrats, though an opposition party, rallied to the support of the right. As they form the largest single group in the Douma, their numbers, added to those of the Conservative groups, availed to vote the measure down, and the chamber proceeded to the consideration of further business.

This moderate attitude is taken as an indication that the present Douma, with the exception of the extreme left, is anxious to avoid measures which will give the Government an excuse for prematurely cutting short its existence.

I have, etc.,

J. W. RIDDLE.

File No. 79/112.

Ambassador Riddle to the Secretary of State.

No. 38.]

AMERICAN EMBASSY,
St. Petersburg, May 3, 1907.

SIR: I have the honor to report that the Douma of the Empire adjourned last Tuesday for a two weeks' Easter recess and will reassemble on Monday, May 13. The only laws passed during the recent session were the three following, which were all voted on the last two days of the session:

1. The law calling out the recruits for the present year which was passed after a stormy discussion in a secret session.

2. A bill appropriating 6,000,000 rubles for the relief of famine sufferers.

3. The abolition of drumhead courts-martial, these would have expired by limitation to-day, May 3, so that this bill has little practical effect.

A second clause providing for the revision by regular tribunals of sentences pronounced by the field courts-martial but not yet carried out is alleged by the Government to be unconstitutional and will probably not become a law.

I have, etc.,

J. W. RIDDLE.

File No. 79/118.

Ambassador Riddle to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, June 16, 1907.

Douma dissolved this morning by imperial proclamation.

RIDDLE.

File No. 79/131-132.

Ambassador Riddle to the Secretary of State.

[Extract.]

No. 72.]

AMERICAN EMBASSY,
St. Petersburg, July 27, 1907.

SIR: I have the honor to inclose herewith a translation of the new election law which will govern the elections to the third Douma.

I have, etc.,

J. W. RIDDLE.

[Inclosure.—Translation.]

THE NEW ELECTORAL LAW.

CHAPTER FIRST.—GENERAL REGULATIONS.

ARTICLE 1. The elections to the imperial Duma are effected: (1) In the provinces and districts indicated in articles 2-4 of the present regulations, and (2) in the cities of St. Petersburg and Moscow, likewise in Warsaw, Kieff, Lodz, Odessa, and Riga.

ART. 2. The elections in the provinces administered by general institutions, as well as in the provinces of Tobolsk and Tomsk, also in the Don District and the cities of St. Petersburg, Moscow, Kieff, Odessa, and Riga are effected in the manner indicated in article 6 and following of the present regulations.

ART. 3. The elections to the imperial Duma from the provinces and cities of the kingdom of Poland, from the provinces of Yenissei and Irkutsk, as well as from the orthodox population of the provinces of Lublin and Siedlits and from the Military Cossacks of the Oural take place in accordance with the instructions indicated in the election regulations of 1906 (collection of Laws, vol. 1, pt. 2).

REMARK.—There are no elections of members for the Duma of the Empire from the city of Irkutsk. The persons possessing the right to vote in the city of Irkutsk form a general meeting of the city electors, together with those of the district of Irkutsk. The number of electors from the meetings of the province of Irkutsk is limited in accordance with the list attached to this article.

ART. 4. The elections to the imperial Duma in the districts and provinces of the Caucasian region, also in the Amur, Litoral, and Transbaikal districts, as well as among the Russian population of the provinces of Vilna and Kovno and of the city of Warsaw, take effect in accordance with special conditions, attached to these regulations.

ART. 5. The number of members of the imperial Duma, according to provinces, districts, and cities, is determined in a list attached to this article.

ART. 6. The election of members of the imperial Duma, according to provinces and districts (art 1, par. 1), takes place at the provincial election assembly. This assembly is organized under the presidency of the chief of the nobles of the province, or the person acting in that capacity, by persons chosen in each district: (1) At meetings of landowners; (2) at the first assembly of the city electors; (3) at the second assembly of the city electors; (4) at the assembly of the plenipotentiaries from the Volostei; and (5) at the assembly of the plenipotentiaries from Cossack boroughs in those provinces where there are boroughs. Furthermore, in the provinces indicated in the lists attached to article 8, for the election of members of the Duma of the Empire, in the composition of the provincial electoral assemblies are persons chosen at the provincial assemblies with power from the workmen.

ART. 7. The election of members of the imperial Duma from the cities named in article 2 is by vote.

ART. 8. The general number elected in each province or district, as well as their distribution in the districts and assemblies, is fixed in the list accompanying this article.

ART. 9. In the elections (1) women, (2) persons under 25 years of age, (3) students, (4) officers of the army or fleet in actual service, (5) naturalized subjects and foreigners do not vote.

ART. 10. Besides those mentioned in article 9, the following persons are not allowed to take part in the elections: (1) Persons who have been prosecuted and are under sentence of entire or partial deprivation of their civil rights, or those dismissed from service, or accused of theft, embezzlement, usurping other people's property, concealing thieves, purchasing or lending money on stolen goods, or who have obtained through usury or improper means other people's estates or property, when they have not been freed by the court of justice, although the case would be dismissed because of the expiration of the term granted by the law, or those who have not undergone punishment on account of some imperial manifest or special imperial order; (2) persons dismissed from service through court sentences, for three years after the passing of the sentence, although by an imperial manifest or on account of the expiration of the term of law they may not have undergone punishment; (3) persons accused of crimes determined in paragraph 1 of this article or whose crime could cause their dismissal from service; (4) persons declaring themselves bankrupt before the court has given its decision on their cases; (5) persons under guardianship; (6) persons declared bankrupt whose affairs have been passed upon by the court, excepting those declared bankrupt through misfortune; (7) persons deprived of clerical title or rank on account of some fault, or those degraded from rank and nobility; and (8) persons who have been prosecuted for non-performance of military service.

ART. 11. Are not allowed to participate in the elections: (1) Governors and vice-governors of provinces, likewise prefects and their assistants, in the districts or provinces under their control; and (2) persons occupying positions in the police in provinces, districts, or towns where the elections are taking place,

ART. 12. No one can cast more than one vote at the elections.

Each elector may show his right to participate in the elections at one assembly (art. 27) or category (art. 42) of electors. Persons who have the right to vote in two or more districts or towns, indicated in article 2, may declare their right to participate in the elections at the assembly they may choose, while observing the instructions provided for in articles 61-63 of the present regulations.

ART. 13. Persons possessing real estate and those indicated in paragraph 4 of article 9 of the present regulations may delegate their rights in view of their real estate to their sons in order that they may participate in the elections.

ART. 14. Women who possess real estate and thereby have the right to vote may delegate their rights to vote to their husbands or sons.

ART. 15. The right to represent real estate at the elections (arts. 13 and 14) can not be given to persons who are not allowed to participate in the elections in accordance with the instructions indicated in articles 9-11. Powers of attorney may be certified to by notaries, as well as by empowered administrative persons, the police, justice of the peace, as well as the chiefs of zemstvos and communities.

ART. 16. Should several persons be jointly interested in one estate, each of these persons is considered as an owner possessing a portion of such estate and by virtue thereof has the right to vote.

ART. 17. In localities where there is no marshal of nobles as indicated in these regulations, a person will be empowered by imperial order as such. The duties of other functionaries mentioned in these regulations in localities where lacking are executed by other persons who are filling similar duties, in accordance with instructions given them by the minister of the interior.

ART. 18. The presentation of declarations and complaints relating to the elections do not prevent the elections from taking place.

ART. 19. The term fixed for making declarations and complaints relating to the elections begins on the day following the act or the declaration of the decision on which the complaint is made. If the last day of the period allowed is a holiday, the day following is fixed as the last allowed.

ART. 20. Criminal acts which may have been committed during the elections are liable to prosecution and punishment in accordance with the imperial ukase of March 8 (21), 1906 (Collection of Laws, 353).

ART. 21. The expenses in carrying out the instructions in these regulations in the zemstvos and cities are to be borne by the respective zemstvos and cities; other expenses referring to the accomplishment of the elections are borne by the Government.

ART. 22. For the election meetings the halls of the justices of the peace of districts and of the nobility and zemstvos assemblies are offered gratuitously. Should such halls not be large enough for the occasion assembly halls (excepting the prefectures) belonging to the Government may be offered free of charge, or public halls at the option of the governors of provinces or prefects of cities.

ART. 23. All instructions relating to the composition of the election lists and the proceedings of the elections are to emanate from the minister of the interior.

ART. 24. Governors of provinces and prefects of towns will, under the guidance of the minister of the interior, follow the proceedings of the elections. They are given the right to demand from the competent electoral colleges any information relating to the proceedings of the elections and to give indications for the proper execution of the same; likewise, they will in their control, should they find any irregularity in the proceedings of the voters' committees, lodge a protest before the district election committee, and as a last resort they will lay the matter before the ruling senate.

ART. 25. The details of the electioning proceedings provided for in the present regulations are determined by the minister of the interior, published for general knowledge through the ruling Senate.

ART. 26. Explanations required on the present regulations must be addressed to the ruling Senate and are finally decided in its first department, by the decision of the procureur-general, with a majority of the votes of the senators present; in the event of an even number of votes the vote of the presiding senator decides the matter.

CHAPTER SECOND—RELATIVE TO ELECTION ASSEMBLIES.

ART. 27. The election colleges are convoked in the provinces or district towns under respective presidencies: Assemblies of landowners and persons empowered by the Volosteis, the district marshal of nobility, assemblies of city

electors, and likewise assemblies of representatives of workmen, under the presidency of the mayors of provincial or district cities, respectively, or persons who are acting in their place. For districts indicated in article 2 of cities there are formed in these cities separate city assemblies of district voters. In the event of the marshal of nobility, or the city mayors not being able to preside at any of the election assemblies (arts. 29 and 35) a person chosen from among the voters will be appointed by the governor to preside at such an assembly.

ART. 28. At the landowners' assemblies participate: (1) Persons who have possessed land in the district for not less than one year, the land to belong personally to such person or to be a life property, paying the taxes in the quantities determined for each district in the lists attached; (2) persons owning in the district, mining property (or possessional rights) in quantity prescribed in the same lists; (3) persons who have owned for not less than one year in that district, as personal property or life property, besides land, household property, not bearing the character of a factory or works, valued by the zemstov for not less than 15,000 rubles; (4) the plenipotentiaries of persons possessing land in the district (par. 1) or other real property (par. 3), if the quantity of such land or the value of such property does not attain the dimensions which give said persons the right to participate in person at the assembly of landowners; (5) plenipotentiaries of churches and of houses of prayer of all creeds, if the churches or wardens of any of these houses of prayer possess land in the district.

ART. 29. The assembly of landowners may be divided, by permission of the minister of the interior as follows: (1) According to the locality of the district or according to the category of landowners (size and value of property), and (2) according to the nationality of the voters. The number of voters at an assembly is divided into separate assemblies in the first case—corresponding to the surface of land and cost of the property belonging to persons holding land in each of the separate assembly localities, to be present in person or represented—and in the second case compared with the general area of the private personal property in the district belonging to persons of each nationality.

ART. 30. The representatives of owners of household property, mentioned in paragraphs 4 and 5 of article 28, as well as those from churches and houses of prayer of all creeds, are elected at preliminary assemblies. According to local facilities, one general assembly is convoked for the whole district, or there are formed by the minister of the interior several separate assemblies. Separate preliminary assemblies may be convoked, according to the local conditions in the district, as well as in categories, according to classes of voters corresponding to the kind and dimensions of their voting rights as landowners. The presidency of these preliminary assemblies comes under the marshal of nobility of the district or the person acting in his place. Should several separate preliminary assemblies be formed and the marshal of nobility for the district can not preside at these assemblies, the governor is authorized to invite, for presidency at said assemblies, a person chosen from among the voters of said assemblies, it being understood that such person has the right to participate at the assembly of landowners or at the preliminary assembly of said district assemblies.

In districts where the population is composed of mixed classes, the preliminary assemblies may be divided according to nationality, upon observing the order prescribed in article 29.

ART. 31. The number of plenipotentiaries who may participate in the preliminary assembly is determined by the area of the land represented by those present at the assembly, as well as the total value of other real estate belonging to them, admitting but one plenipotentiary for each voter having the full rights provided for, in order that they may take part in the landowners' assembly.

ART. 32. At the first assembly of city voters participate: (1) Persons who have possessed for not less than one year property belonging to them in person in city districts or which they have received for life, placed at a value determined for the payment of land and city taxes; in cities of provinces, of districts, or within the jurisdiction of a prefect, as well as in those villages where the population exceeds 25,000 inhabitants, not less than 1,000 rubles, and in the remaining city boroughs not less than 300 rubles; and (2) persons who have possessed within the electoral district, for not less than one year, some industry requiring a trader's license: Traders—a license of the first or second category; industrials having the licenses of the first five categories or steamship companies who pay a tax of not less than 50 rubles a year.

ART. 33. At the second assembly of city voters participate: (1) Persons (same as art. 32, with the exception that the tax paid is under 1,000 rubles where the population does not exceed 20,000 inhabitants, and in the remaining city boroughs less than 300 rubles); (2) persons holding a trading or industrial enterprise within the district for not less than one year, requiring the trading license, with the exception of those who participated at the first city assembly; (3) persons who have paid within the district the apartment tax for not less than one year; (4) persons who have paid for not less than one year the taxes required for an industrial enterprise; (5) persons who, for not less than one year, have occupied in their own names apartments within the district; and (6) persons (excepting subalterns and workmen) who have lived for not less than one year within the district and have received a fixed salary or pension for government service or service in the zemstvo, city, railway, or any other such like institutions.

ART. 34. In city boroughs are included for the elections to the Douma those small villages which possess a communal administration and which pay government taxes on city property (Statutes of Direct Laws, 1903, art. 1, par. 15).

ART. 35. Assemblies for city elections may be divided, with the consent of the minister of the interior, into divisions according to localities or according to the voting rights of the landowners, and in districts where the nationality of the population is mixed according to nationality. The number of persons to be elected at the assembly is determined according to the number of voters which are to attend each assembly.

REMARK.—For election purposes the prefect of Sevastopol comes under the jurisdiction of the Semphervpol district, in the Tauride Province; the town of Cronstadt to the Peterhof district, government of St. Petersburg; and the prefectures of the Kertchenikalskoe to the district of Theodosia, Tauride Province; and Nikolaef or to the district and province of Kherson.

ART. 36. In the province of Arkhangel as well as those of Tobolsk and Tomsk preliminary assemblies and assemblies of landowners do not take place. Persons who have a right to take part in the landowners assemblies may be included in each first assembly of the city voters and persons who have the right to participate in the preliminary assemblies take part in the second city assembly of voters. In the province of Stavropol persons who possess the right to take part in the first city assembly of voters, organize one general assembly to include the persons who have the right to attend the landowners' assembly.

ART. 37. At assemblies of plenipotentiaries from the Volostei take part those who have been chosen at meetings of the Volosti districts, two members from each meeting. These members are chosen at the Volosti meeting from among the peasant houseowners, belonging to the agricultural class of said Volosti or those who are written in as belonging to such a Volosti, through their possessions of land in the Volosti and having lived in it not less than one year, are personally conducting their affairs.

At the assembly of plenipotentiaries from the Cossack boroughs participate the members chosen at the meetings of the boroughs in the districts—two members from each borough. These members are chosen at the meetings held by householders of the Military Cossacks or Cossack landowners or Cossacks who have acquired land and are managing their own farms.

ART. 38. In districts with a mixed population the meetings of plenipotentiaries from the Volosti assemblies, in conformity with instructions from the minister of the interior, may be divided according to nationality fixing among them the number of electors corresponding with the number of plenipotentiaries in each division.

ART. 39. In the provinces of Tobolsk and Tomsk at the meetings of plenipotentiaries from the Volostei participate: (1) Plenipotentiaries, chosen, two from each Volosti at each meeting where the Volostei are administered under the general peasant laws (special supplement to the Law of Social Classes, edition 1902, book 1, page 472); (2) plenipotentiaries from Volostei organized in conformity with supplement to article 70 (remark), regulations of Siberian institutions, election, two from each Volosti, at peaceful meetings of the voters, one voter for every 100 inhabitants of the Volosti population (Siberian Institutions, edition 1892, art. 70, remark to supplement arts. 10-12); and (3) plenipotentiaries from the aborigines, one for several camps, elected in the same manner as for the election of a chief.

ART. 40. In the province of Astrakhan is organized, besides meetings of the plenipotentiaries from the Volostei, one general meeting of plenipotentiaries from the Astrakhan Cossack army, stationed within the province of Astrakhan,

as well as within those of Samara and Saratoff. The assembly is convoked in the town of Astrakhan and is presided over by a person appointed by the ataman of the Cossacks, and elects in accordance with the list (art. 8) the number of voters to the election assembly of the province of Astrakhan.

ART. 41. In the provinces of Courland, Livonia, and Esthonia the plenipotentiaries from the Volosteis are elected at a general meeting of the Volosteis from among the householders which belong to the Volostei and who have lived not less than one year in the Volosti. In the Ismailovsk district of the province of Besarabia instead of the assembly of plenipotentiaries from the Volosteis is organized a meeting of the plenipotentiaries from agricultural communities, one plenipotentiary for each community. These plenipotentiaries are chosen in each community at a general meeting from among persons who have lived in the commune for not less than one year and who have personally attended to the farms of the community or their personal portions of land, under the presidency of the chief of the commune.

ART. 42. The elections of deputies for the imperial Douma, which take place in the cities indicated in article 2, take place at two different categories of meetings: (1) Persons who possess personal property or life property not less than one year within the limits of the town, such property being subject to city taxes; in capitals not less than 3,000 rubles, and in other towns not less than 1,500 rubles; (2) persons possessing within the limits of town for not less than one year the required license for some industrial or trading enterprise; (a) in capitals, trading licenses of the first class, industry licenses of one of the first three classes, or shipping enterprises which pay not less than 500 rubles dues; (b) in other towns, trading licenses of the first two categories, industry licenses of the first five categories, or shipping companies which do not pay less than 50 rubles taxes. At the election of the second category take part: (1) Persons who possess within the limits of towns, for not less than one year, or for life, real estate estimated to pay city taxes amounting as follows: In capitals, 3,000 rubles (\$1,500), and in the remaining cities, 1,500 rubles (\$750); (2) persons who possess within the limits of the town for not less than one year a license for such industrial or trading enterprise which gives the right to vote, excepting those which give the right to take part in the elections of the first category; (3) persons who have paid taxes within the limits of the town for not less than one year for private industrial enterprise; (4) persons who have paid for not less than one year the tax due on the apartment occupied by them; (5) persons who for not less than one year occupy apartments in their own names; and (6) persons (excepting servants and workmen) who have lived for not less than one year within the limits of towns and are receiving fixed salaries or pensions from the Government, or from the zemstvo, city, railways, or other institutions.

ART. 43. In the provincial assemblies the plenipotentiaries from the workmen participate those plenipotentiaries who are representing, as named in supplement to article 8, factory, mining, or manufacturing enterprises, the number of workmen in any factory not to be less than 50, regardless of the parties to whom the factories may belong.

REMARK.—Railway shops are included in the above article, and the number of male workmen in these shops must not be less than 50.

ART. 44. The workmen choose a person to represent them at the election from among themselves, on the following basis: One plenipotentiary for factories containing from 50 to 1,000 workmen; and factories where the workmen number over 1,000, one plenipotentiary for every 1,000 workmen. The plenipotentiaries chosen must have worked at least six months at the factories.

CHAPTER THIRD.—RELATIVE TO THE ELECTORAL COLLEGES IN THE PROVINCES AND DISTRICTS.

ART. 45. In order to verify the accuracy of the elections and to examine declarations and complaints relating to the affairs of the elections, there are established electoral colleges of the provinces and districts, and in the city of Odessa a city electoral committee.

ART. 46. The electoral colleges in the province are composed, under the presidency of the president of the district court, of district marshals of nobility of the principal provincial towns, the president of the province zemstvo or manager of the zemstvo administration, the city mayors of provinces or persons in charge thereof, one of the active representatives of the provincial administration, to be appointed by the governor of the province, and the senior counsellor of the governor's administration. Furthermore, upon the appointment

of the governor, there must be present at the electoral committee one of the chiefs of the local electoral committee, and one of the chiefs of the local provincial administration.

ART. 47. The electoral college of Odessa consists, under the presidency of the president of the district court, of a district marshal of nobility, the city mayor or member of the district court, appointed at a meeting of the members, and a chief member of the local administration, appointed by the prefect of the city.

ART. 48. The electoral colleges of the provinces of Tobolsk and Tomsk consist, under the presidency of the president of the district court, of the chief of the court of appeals, a member of the district court, chosen at a meeting of the members, the mayor of the provincial city, and a member of the provincial administration.

ART. 49. The district electoral colleges shall consist, under the presidency of a member chosen at a meeting of the members of the district court, of the district marshal of nobility, of a justice of the peace or city judge appointed at a meeting of city judges or a general assembly at the district court, the president of the district zemstvo administration, of the city mayor of the district city, and of a chief of the zemstvo named at a district meeting.

ART. 50. In the Tobolsk and Tomsk provinces the district electoral colleges consist, under the presidency of a member of the district court, appointed at a general meeting, of the president of the district assembly of peasant chiefs, the mayor or city alderman, and one of the city chiefs chosen at a district meeting.

ART. 51. Persons in service who enter upon duties in the electoral colleges of the provinces or districts do not participate in the examination of complaints made against their acts.

CHAPTER FOURTH.—RELATIVE TO ELECTORAL LISTS.

ART. 52. The lists of persons who have a right to take part in the elections at the assemblies of landowners and city electors are prepared and kept in order; for the preliminary assemblies and the assembly of landowners, by the zemstvo district administration for business relating to the zemstvo landowners, and in the localities where there are no such administrations by the borough's administration, by the district police administration, and in both the first and second assemblies of city electors, by the city administration of the province or of the district, correspondingly, or by an institution which takes its place.

ART. 53. In towns outside of districts and small localities mentioned in article 34, the election lists are prepared: In towns by the town council or institution which takes its place; and in localities, by the borough administration, separately for each of their city populations, and are communicated to the town council of the district town.

Lists of city electors for districts belonging to the towns mentioned in article 2 are prepared by the city councils of those cities.

ART. 54. Persons who have landowners' rights to take part in the elections at the first or second assemblies of city electors are named in the list for that assembly, at which they themselves write their names down, and should no declaration be made by them they are inserted in the list for the first assembly.

ART. 55. In the city election lists indicated in article 2, those persons who have a right to vote are separated into two distinct divisions and are kept in order by the town council.

ART. 56. Persons who have the right to take part in the elections of both divisions (art. 55) may enter their names in that assembly at which they wish to be present, and should they not declare any such intention their names are inserted in the list for the first assembly.

Persons who have the right to participate in the elections at two or several election colleges (art. 135) state that place in the list, and should they make no statement, they are inserted in the list for the place where they are residing.

ART. 57. Person who have a right to participate in the elections on account of apartments they occupy though they do not pay apartment taxes, or on account of pensions they are receiving, should they desire to take part in the elections, send in a written declaration to the institution which is preparing the list of voters before said list shall have been published, presenting therewith proper certification.

Other persons who have independently the right to participate in the elections are inserted in the lists independently of the declarations they make.

ART. 58. Persons holding household property who wish to take part in the elections, when such property belongs to their father, mother, or wife, must file a power of attorney (art. 15) before the publication of the lists to the institutions charged with the preparation of the list, within two weeks.

ART. 59. The institutions which have the duty of preparing the electoral lists have the right to avail themselves of all information in the possession of government and local officials. A list of persons who pay industry licenses or apartment taxes is communicated by the local and Government authorities as well as a list of persons who are serving in government institutions and have the right to vote.

ART. 60. Persons who have the right to vote are placed on the list in alphabetical order. Against each person's name is placed (1) his Christian name, his father's Christian name, and his family name; (2) by what right he can vote. With regard to persons who have the right to vote through their father, mother, or wife possessing household property, the corresponding information is inserted.

ART. 61. Workmen who have the right to vote in conformity with article 43 are not inscribed on the lists of landowners or city voters, even though they should hold property which would give them the right; likewise the plenipotentiaries from the Volostnoy assemblies and borough meetings are not inserted in these lists.

ART. 62. Persons belonging to the agricultural and Volostnoy communities are not inserted in the lists of landowners or city voters, although they would have the right to be put on these lists.

ART. 63. Land belonging to peasant communities or boroughs, as well as peasants' land in the province of Livonia, land hired by peasants in the province of Esthonia and on the isle of Esel, as well as land belonging to peasants in the province of Courland, although belonging to them as acquired land, does not give their owners the right to vote under the landowners' list.

ART. 64. The owners of land which gives them the right to vote as landowners, but whose land lies within several districts, the part in no one district giving such owner the right to vote, are inserted in such list as the landowner may indicate, and should such owner not send in any statement he is inscribed in the list in that district in which the largest portion of the property lies.

ART. 65. In determining the time the owner has possessed land, the date when the property in question was left him in heritage by direct lineage is reckoned from.

ART. 66. In order to take part in the elections in conformity with paragraph 5 of article 28, the superiors of the churches and houses of prayer are inserted in the lists.

ART. 67. Directors (presidents) and members of boards of administration of societies and companies, as well as of limited or other companies which own factories or mining enterprises, also the managers of such companies or associations when they pay the regular taxes of industry or enterprise outside the limits of that town or district wherein are situated the factories or enterprises, are inserted in the voting lists at the place where the factories, etc., are situated, and not at the place where they pay the taxes. Should companies, associations, or others possess several factories, etc., in various towns or districts, each of the parties mentioned above may be inserted in the list of voters of the towns or district they may choose.

ART. 68. The lists of voters are published not later than one month before the elections in the local newspapers, and at the same time general information is given relative to the management for guaranteeing the correctness of these lists.

ART. 69. A copy of the lists of voters, with documents belonging to them, may be examined by interested persons at institutions named on days and hours fixed for that purpose.

ART. 70. Persons whose names have not been inserted in the lists or who up to the time of voting have lost their voters' rights, do not participate in the elections.

ART. 71. At the time the elections are put into effect at factories, etc., the list of the workmen who are to take part in the elections (art. 43) are posted up, signed by the proper official at the works, stating the total number of workmen in each factory and the number of representatives they may choose to vote at the elections.

ART. 72. The total list of factories in the province, at which elections take place (art. 43), showing the total number of workmen and the number of representatives they may appoint to vote for them, is brought by the governor of the province to the knowledge of the public, as well as all information which will secure the proper execution of this list.

ART. 73. During the two weeks after the publication of the lists of voters in the local newspapers, the persons interested may present claims or complaints relative to irregularities and improper execution of the lists, as provided for in article 52, to the district electoral committee; those provided for in article 55, to the provincial electoral college; and for Odessa, to the city electoral committee.

ART. 74. After the examination of the lists of voters and of the complaints and claims presented, by the proper electoral committees, the parties making claims are informed of the changes, if any, made in the lists, and these changes are inserted in the first lists and are published in the local papers; and furthermore, these changes are made known through publication to the public in general.

ART. 75. After the corrected lists have been published no further changes are allowed except those which may follow in the decision of complaints brought before the electoral committees.

CHAPTER FIFTH.—THE ELECTION PROCEEDINGS.

PART FIRST.—RELATIVE TO PRELIMINARY MEETINGS.

ART. 76. Electors and voters are authorized to organize special preliminary assemblies in order to discuss what persons are worthy of election.

ART. 77. At the preliminary assemblies of electors, only those persons take part whose names are inserted in the electoral lists of said electoral assemblies, or of the said electoral division, as well as the president of the assembly.

At preliminary meetings of voters, only voters of one and the same election assembly and its president may be present.

ART. 78. Preliminary assemblies of electors and voters must take place in closed premises only.

ART. 79. The electors and voters inform the chief of the local police of the time and place of preliminary assemblies not later than twenty-four hours before the assembly, inclosing a list of the names of those organizing the assembly.

ART. 80. The chief of the local police appoints an officer to be present at the assembly, and should this official find it necessary to dissolve the meeting, it must be dissolved at once.

ART. 81. Preliminary assemblies of electors may be dissolved by the police in the following cases only: (1) When the assembly evidently met to discuss other matters than those for which it had assembled; (2) When the questions discussed at the assembly are hostile and are instigating one portion of the population against the other; (3) When collections of money are made; (4) When persons whose presence is not allowed are found at the assemblies and have not been rejected or will not be expelled; (5) When the discussions at the assemblies become revolutionary and threaten the public peace and order.

ART. 82. In the meetings of voters the police do not take part, but they must see that outside persons do not enter or take part in the meeting.

PART SECOND.—RELATIVE TO THE PROCEEDINGS FOR ELECTING PLENIPOTENTIARIES AT MEETINGS OF THE VOLOSTS, BOROUGHS, AND FACTORIES.

ART. 83. The election of plenipotentiaries at the volost and borough meetings takes place with the full number of plenipotentiaries chosen in the villages and boroughs to discuss current affairs.

ART. 84. Assemblies for the nomination of representatives of the peasants take place in each district as far as possible on one and the same day fixed by the governor.

ART. 85. At the meetings of the volosts and boroughs, as well as at those of the landowners of the district of Ismael in the province of Bessarabia, only such persons may be present as have the right to attend those meetings.

ART. 86. At the meetings held by volosts and boroughs for electing their representatives the votes are given by secret ballots.

ART. 87. The decision arrived at, at the meetings of the volosts and boroughs, as well as at the meetings of the partial landowners, in the district of Ismael in

the Province of Bessarabia, must be turned in to the district electoral committee not later than one day before the elections.

REMARK.—The decisions come to at the meetings of volosts need not be examined by the chief of the Zemstvo or corresponding official.

ART. 88. Complaints formulated against the proceedings of the volosts and boroughs as well as of the partial landowners of the district of Ismael, in the province of Bessarabia, relative to the election of representatives for the general elections must be presented within three days after said meetings either directly to the electoral committee or to the volost seniors or borough attamans for immediate transmission to the electoral colleges.

ART. 89. The volosts, boroughs, and partial landowners of the district of Ismael, province of Bessarabia, are authorized to defray the traveling expenses of the representatives chosen by them at their meetings to be present at the general elections.

ART. 90. The representatives of the workmen are elected by them at meetings fixed by the governors as far as possible on one and the same day.

ART. 91. The manner and procedure of the election of representatives is determined by the workmen themselves at each factory. The workmen choose from among themselves one or several presidents to maintain order during their elections and to guide them.

REMARK.—The elections of workmen at which they choose their representatives take place in premises put at their disposal by the owner of the works. During these elections persons who are not authorized to participate in them are not allowed to enter the premises.

ART. 92. Complaints of irregularities which may have taken place during these elections are presented to the electoral committee of the district. A member of the factory or enterprise is appointed by the governor to be present when these are examined by the committee.

ART. 93. The lists of representatives chosen by the workmen at each factory are signed by the presidents and by not less than ten of the voters. These lists are presented to the administration of the factories or enterprises or chief of the railway shops, which send them immediately to the governor. Copies of the lists are posted in visible places for the information of the workmen. In the said lists must be stated: The Christian names, fathers' names, and family names, the titles, and ages of the representatives chosen by the workmen.

ART. 94. The complete lists of the workmen's representatives in the provinces or regions, with the names of the works at which they were chosen, are published by the governor.

ART. 95. The representatives of the workmen will, upon their claiming it, receive from the government funds their traveling expenses to and from the provincial town where the elections take place, at the rate of 5 copecks per verst ($2\frac{1}{2}$ cents per mile).

PART THIRD.—RELATIVE TO THE PROCEDURE OF ELECTIONS AT THE PRELIMINARY AND VOTING ASSEMBLIES.

ART. 96. The assemblies for the elections and the preliminary assemblies take place on certain days fixed by the governor, who announces the day and place by publication.

ART. 97. The voting at the assemblies, including those in which not more than 500 persons are on the lists, take place by secret ballot.

ART. 98. The preliminary and other assemblies where the voting takes place by means of balls (art. 97) are opened at midday and will stay open until all those who desire to vote will have done so. Persons who arrive after the voting has begun are not allowed to vote.

At those assemblies where the votes are made by secret writs these must be presented on a fixed day from 10 a. m. to 9 p. m.

ART. 99. During the proceedings at the assemblies there may be present, besides the president, only such persons as have a right to take part in said assemblies.

ART. 100. The presidents of the assemblies examine the documents and the full powers of the voters and representatives which give them the right to vote.

ART. 101. At the opening of the assemblies the presidents read the articles of the law relating to the manner of voting and conditions of participation, as well as the list of voters. After this, if the voting is to be by means of balls, an act is drawn up stating the number of voters present, and at the preliminary assemblies, likewise, the quantity of land controlled by the voters present, as

well as the value of household property they represent, and the number of representatives holding full powers to vote.

ART. 102. Representatives holding full powers given at preliminary assemblies, as well as voters, may be chosen from among those persons only who have a right to participate in the elections in those assemblies only where the elections are effected.

ART. 103. The ballots for the appointment of representatives and voters may be cast by those persons only who have made known to the president of the assembly that they are willing to ballot.

ART. 104. Persons chosen to vote by means of writs immediately declare their assent to the committee, and if within three days of the receipt of their notification their declarations refusing to accept the appointment as electors are not presented they are considered as having accepted the appointment.

ART. 105. Each voter must present his voting writ in person. This writ must include the Christian and family names of the persons to whom they give their votes in numbers not to exceed the total number of persons who are to be elected. The name of the person they choose should not appear more than once on the same writ. Repetitions of names on writs by the same person will not be accepted.

ART. 106. Plenipotentiaries from preliminary meetings, as well as representatives chosen to vote, are recognized in such persons as receive more than half of the votes of the persons participating at the meeting; in case there are several members who receive an equal number of votes they should draw lots. Should the proper number of voters not be elected the meeting must take place again in order to elect the proper number of voters: (1) For meetings where the elections are effected by means of balloting on the following day, and (2) for meetings where the elections are effected by means of writs on a day fixed therefor, when those persons who received the largest number of votes will be considered as elected.

ART. 107. The number of votes which any persons received, whether elected or not elected, but who took part at the meeting, is inserted in a special list. Special tellers are chosen to count the votes cast at the elections, under the control of a president at the balloting. After the elections election lists are read at the meeting and then signed by the president and by any members present who desire to do so.

ART. 108. At the assemblies of landowners and town elections, the elections which are effected by means of writs are organized for the reception of the writs and for keeping account of them by a committee composed of the president and members of the assembly invited by him, not less than three in number. The counting of the writs is made on the next day in open session, beginning at 9 o'clock. When this is completed they draw up a protocol relative to the number of votes given to each person, which protocol is signed by the president, the members of the committee, and such other persons of the assembly as wish to.

ART. 109. In those small districts attached to towns, in which separate assemblies of city electors (art. 35) are, according to local circumstances, impossible, they may be organized, in the cases provided for in paragraph 2 of article 97 of these instructions, with the permission of the governor, by establishing election boxes for the reception of voters' writs.

In this event the mayor, or the person acting in his stead, with the assistance of three members chosen from among the voters, fill the functions of a committee. The rendering of the figures or numbers of the votes given is effected by the election committee of that town to which the inhabitants belong.

ART. 110. The election assemblies are limited to the procedure of the elections and must not enter upon any discussions, nor have they the right to make any rules or to give any instructions which do not strictly pertain to the procedure of the elections.

ART. 111. When the elections, as well as the rendering of the votes of both the preliminary and the final elections, have been brought to a close, the assemblies are suspended. Not later than the following day the results of the elections are presented by the presidents: Those of the preliminary assemblies and of the assemblies of landowners and of the towns to the district electoral committee; and those relating to the representatives chosen by the workmen to the provincial electoral committee.

ART. 112. Within three days after the closing of the assemblies and the dismissal of the electoral committees, persons who are interested therein may present claims: To the district electoral committee, for irregularities which may have occurred in the procedure of the elections at the assemblies; and to the

provincial electoral committee, for irregularities which may have occurred while taking the votes of the workmen.

A member chosen from among the administration of the workmen or miners, appointed by the governor, may be present at the examination of a complaint lodged by the workmen for irregularities occurring during the elections.

ART. 113. Should complaints thus made be found properly based, changes may be made in the election of one or all the persons chosen at such assemblies, and this information is brought to the knowledge of the persons who lodged the complaints by the electoral committee.

Should any change thus be effected, the person who next secured the most votes is recognized in the stead of that or those persons struck off the list. Should these persons not be present, or should it be found necessary to change all the persons chosen at the assemblies, new or supplementary elections take place.

ART. 114. Within three days from the announcement of the result of the elections by the election committees of districts or provinces, persons interested therein may lodge complaints against the announcement made by the district committee, to the committee of the province; and against the latter to the existing Senate. The complaints are filed with the district or provincial committees, respectively, and must be presented with the necessary explanations to the district committee within a week, or to the existing Senate within a fortnight.

ART. 115. The lists of electors of the provincial election assemblies are made up by the district electoral committee, and the lists for the workmen's elections by the provincial electoral committee; they must be immediately made known to the governor for publication and they are also sent to the general committee.

ART. 116. When the lists of the elected are published in the local papers they must state: (1) The Christian name, father's name, and surname; (2) the town, district, and volost, borough, or community—when in the district of Ismael, province of Bessarabia—to which the elector has been chosen; (3) the permanent residence of the elector (person elected to vote); and (4) information relative to the social position, kind of occupation, and, if possible, education received. At the time the publication is made a copy is sent to the person elected.

ART. 117. Persons elected may, if they so desire, be reimbursed their traveling expenses to the provincial town for the election assembly, at the rate of 5 copecks per verst ($2\frac{1}{2}$ cents per two-thirds of a mile) from the district town to the provincial town, and return.

PART FOURTH.—RELATIVE TO THE ELECTION OF MEMBERS TO THE IMPERIAL DOUMA, AT THE PROVINCIAL ASSEMBLIES.

ART. 118. The elections for members of the imperial Douma in the provincial election assemblies take place on days fixed by imperial ukases which the minister of the interior asks for through the council of ministers and presents to the existing Senate for publication.

ART. 119. Election assemblies begin at 12 o'clock in the day and continue, with proper intervals, until all the electors have given their votes for members of the imperial Douma for that province. The time allowed for intervals is fixed by the assembly, but no interval can last longer than twelve hours at a time. Electors arriving after the elections have begun can not participate in them.

ART. 120. At the election assemblies, besides the president only persons who have a right to participate in the elections may be present.

ART. 121. The election assembly is recognized as having taken place if not less than one-half of the electors are present at the assembly. In the contrary case a new assembly is convoked, being fixed seven days in advance, and that assembly is final regardless of the number of members present.

ART. 122. In opening the assembly, the president reads the laws relating to the conduct of the elections, the conditions of participation, and the lists of electors.

ART. 123. At the provincial electoral assemblies, in the presence of all the voters, the first thing done is to elect: (1) In the provinces administered by the general institutions, as well as the provinces of Tobolsk and Tomsk and the Military District of the Don, one member to the Douma from among the voters at the assemblies of representatives from the Volosts; (2) in the provinces administered under the general institutions, excepting Archangel and the Military District of the Don, one member to the Douma from the landowners'

assemblies: (3) in the provinces of Archangel, Astrakhan, Vitebsk, Vohlynia, Vologda, Grodno, Kaluga, Kieff, Kovno, Kostroma, Courland, Livonia, Minsk, Mohilev, Novgorod, Pskoy, Simbirsk, Esthonia, Yaroslav, Tobolsk, and Tomsk, one member each, to the Douma from among the electors of the first or second town assemblies; (4) in the remaining provinces administered by general institutions, excepting Stavropol and the Military District of the Don, one member each to the Douma from the electors at the first or second town assemblies; (5) in the provinces of Astrakhan, Orenburg, and the Military District of the Don, one member each to the Douma from among the representative electors chosen at the assemblies of the Cossack boroughs; and (6) in the provinces of St. Petersburg, Moscow, Vladimir, Ekaterinoslav, Kostroma, and Kharkov, at the rate of one member to the Douma from among the representatives of the workmen. The assembly then elects from among the voters who have the right to be present the remaining number of members to the Douma.

ART. 124. The elections of members to the Douma are effected by balloting. Those elected must have at least one-half of the number of votes cast by those present at the assembly. In the event of even numbers, those so elected draw lots.

ART. 125. The preliminary election of candidates takes place at the assemblies by means of writs. The election of these candidates is later on confirmed by the majority of votes. Candidates who have received less than three votes are not confirmed.

ART. 126. If after the balloting for the candidates proposed as members of the imperial Douma, elected from among a separate division of voters, not one of them receives more than half of the votes (art. 124), that assembly then effects a repetition of the election, without pursuing the former method, those then receiving the largest number of votes being then confirmed as elected.

In the same manner are elected supplementary members to the Douma from among the voters themselves, if after the ballot of candidates has taken place, the candidates have not received more than half of the votes of those present at the assembly.

ART. 127. As members of the Douma, only those who have been elected at assemblies from among the voters of the assemblies are acceptable, and then only after they have given their consent to become members of the Douma. Persons occupying a post in the government service, receiving a salary therefor, must resign such positions in order to become members of the imperial Douma.

ART. 128. Persons not knowing the Russian language can not be elected as members of the imperial Douma.

ART. 129. On a separate list must be inserted the number of votes each member received, as well as the number of votes cast against him, at the assembly. In order to keep an account of the number of votes given at the assemblies, a special accounting bureau is attached to the assembly under the control of the president. After the elections have taken place the results are read at the assembly and signed by the president and by any others present who may wish to sign.

ART. 130. The electoral assemblies are limited to the voting, and do not bring up matters of any kind for discussion; nor must they make any resolutions or regulations which do not directly refer to the elections.

ART. 131. As soon as the elections are ended the assembly is closed, and not later than the day following the report of the elections is presented by the president of the assembly to the governor.

ART. 132. The governor, immediately upon receipt of the elections, sends them to the imperial Douma with a list of the persons elected as members of the Douma, which list is presented to the existing Senate for general publication.

PART FIFTH.—THE ELECTION OF MEMBERS OF THE DOUMA EFFECTED IN THE TOWNS MENTIONED IN ARTICLE 2 OF THESE REGULATIONS.

ART. 133. In the towns named in article 2 of these regulations the members of the imperial Douma are elected by means of secret ballots (writs). The day for the election is fixed in conformity with the provisions made in article 118.

ART. 134. Each class of town electors (art. 42) chooses members of the imperial Douma exclusively from among the number of persons who have the right to participate in the elections of that class.

ART. 135. In order to receive the election lists and number of votes, the town is divided, in accordance with the instructions of the minister of the interior, into electoral divisions.

ART. 136. There is appointed to each division an electoral committee consisting of a president and not less than two members who are appointed by the mayor from among the electors of each division. In order to secure the final results of each electoral division, a general city electoral committee is established under the presidency of the mayor of the city and the presidents of each electoral division.

ART. 137. The elections take place in premises which the city administration disposes of.

ART. 138. Each voter presents his vote in person. The writ contains the Christian name, father's Christian name, and family name of each person for whom the vote is given, these votes not to exceed the total number of persons to be chosen as members of the Duma in each respective division. The name of the person voted for must not appear twice on the same voter's writ. Repetitions of votes for the same persons or the mention of names outside the voting power of that division will not be accepted.

ART. 139. The votes in writing are presented on one day from 9 a. m. to 9 p. m. The following day each division counts the number of votes given there to each candidate, and on the third day the city electoral committee makes up the general result of the votes cast in all the electoral divisions of the city.

ART. 140. Those who have received more than half of the votes cast at each separate electoral division are considered elected members of the imperial Douma, and are reported as elected by a majority of the votes. In case the electors have not elected a sufficient number of members to the Douma, new elections take place at which those persons who receive the most votes are elected members of the imperial Douma.

ART. 141. Not later than the day after that on which the elections are ended, the results of all the elections are sent by the city electoral committee to the governor or prefect of police, who transmits them to the imperial Douma, and the list of persons elected as members of the Douma is sent to the existing Senate for publication.

PART SIXTH.—THE MANNER OF VERIFICATION OF CREDENTIALS OF THE MEMBERS OF THE IMPERIAL DOUMA.

ART. 142. The Douma examines the credentials of the members. Complaints relative to the elections are presented to the Douma. These complaints must be presented within three days after the elections to the governor, or prefect of police—as the case may be—who, within a week after the elections, sends them to the Douma with the explanation of the president of the electoral assembly or, in the cities named in article 2, by the president of the town electoral committee.

ART. 143. The decision of the imperial Douma relative to the rejection of an elected member of the Douma, on account of irregularity, goes into force if it is upheld by two-thirds of the members of the Douma present at the assembly.

ART. 144. Should the imperial Douma reject a member, the member accepted in his stead is he who received the next largest number of votes at the separate electoral divisions or who received more than half of the votes of those present at these elections. Should there not be any such person or should all the members of that particular electoral division be rejected by the imperial Douma, new elections must be held.

Should the imperial Douma reject, either in their entirety or in part, the elections in towns named in article 2 of the present regulations, new elections must take place at those electoral divisions whose member or members are rejected.

ART. 145. The provisions of the foregoing article (No. 144), for the order to be observed, are also followed in the event of a member of the imperial Douma being rejected by it for any reason whatsoever, unless new elections are expected within a year.

ART. 146. The list of persons elected as members of the imperial Douma is drawn up by the existing Senate in accordance with the representations made by the governors and prefects or police; and is published by it in the newspapers.

ART. 147. Persons whose names are published in the lists by the existing Senate, until they are rejected by the Douma, enjoy all the privileges granted to members of the Douma.

STOLIPINE,
President of the Council of Ministers.

File No. 79/134-135.

Ambassador Riddle to the Secretary of State.

No. 78.]

AMERICAN EMBASSY,
St. Petersburg, August 9, 1907.

SIR: I have the honor to inclose herewith a translation of a supplement to the election law which was forwarded in my dispatch No. 71 of July 27.

This supplementary law shows the apportionment of the deputies to the Douma among the electoral districts and cities of the Empire. I have, etc.,

J. W. RIDDLE.

[Inclosure.—Translation.]

SUPPLEMENTS TO THE REGULATIONS GOVERNING THE ELECTIONS OF REPRESENTATIVES TO THE IMPERIAL DOUMA.

SUPPLEMENT TO ARTICLE 4.

Manner of election of members to the Imperial Douma from the Russian population in the provinces of Vilna and Kovno.

ARTICLE 1. The Russian population in the provinces of Vilna and Kovno, separately from the rest of the population, elect from among the total number of members of the imperial Douma from the provinces, to members to represent the province of Vilna and one for Kovno, in the following manner:

ART. 2. For the elections for the imperial Douma by the Russian population in the provinces of Vilna and Kovno are included persons of Russian origin, of the Greek Orthodox religion or Old Believers (sectarians), and Lutherans.

The nearest way of defining, in individual cases, who may be considered as being of Russian origin is left to the governors-general of the provinces of Vilna, Kovno, and Grodno. Their decision in this respect must be considered as definite and final.

ART. 3. The elections of the Russian population for members of the imperial Douma take place at voting assemblies—in the towns of Vilna and Kovno—having 40 voters each, under the presidency of a person appointed by imperial authority.

ART. 4. In order to elect the said voters (art. 3) in each district there is convoked an assembly of representatives of the Russian population and a meeting of the town voters of Russian origin.

ART. 5. The governors-general of the provinces of Vilna, Kovno, and Grodno, unite for the elections in districts where the population of Russian origin is small, and organize for them a joint electoral assembly. In this event the governors-general determine to what district electoral committee complaints as to irregularities in the elections must be presented.

ART. 6. The total number of voters provided for in article 3 is determined by the governors-general of Vilna, Kovno, and Grodno, by districts, which have a corresponding Russian population, and by assemblies in the districts where the corresponding population will be composed of peasants and city voters.

ART. 7. The representatives of the Russian population of farmers are chosen at special volost meetings, which take place under the presidency of a person appointed by the chief of the zemstvo from among those present at the meetings. At these meetings may participate all householders or landowners of that volost who are of Russian origin, who have reached the age of 25 years, and who own land or property inherited or purchased by them, as well as members of the clergy and persons serving in the churches of the Greek Orthodox religion and the seniors of the prayer-houses of the "old believers" in the volost, although they may not have otherwise the right to vote. The votes, at the volost meetings, for representatives are cast by those who have a right to vote at these meetings, in accordance with the regulations provided for the election of representatives.

ART. 8. Volosts with a Russian population of 500 to 2,000 souls of both sexes elect one representative; those with a population of from 2,000 to 5,000 inhabitants elect two representatives; and those with a population of over 5,000 souls elect three representatives.

ART. 9. Volosts where the Russian population is less than 500 are, by order of the governor, included with some neighboring volosts so that they may participate in the election of a representative. Meetings which take place with several volosts united elect the number of representatives indicated in article 8, according to the number of the Russian population in the volosts.

ART. 10. The electors of the Russian city population are elected at city meetings in which participate persons of Russian origin who have the right to participate at the meetings of city elections, as well as members of the clergy and officials of the Greek Orthodox churches and seniors of the houses of prayer of the "old believers," even though the latter should not otherwise have the right to participate at the meetings of the city elections.

ART. 11. Persons of Russian origin who own real estate which gives them the right to participate directly at the meetings of landowners take part in the selection of electors at the meetings of representatives from the peasant population (art. 4) on the same footing as the peasant representatives.

Persons of Russian origin who own real property which gives them the right to participate at the preliminary meetings organize special preliminary meetings under the presidency of a person appointed by the governor. Representatives elected at these meetings, in conformity with the regulations for preliminary meetings, participate in the meetings of representatives from the peasant population (art. 4) on the same footing as the said representatives.

ART. 12. The lists of persons of Russian origin who have the right to take part in the meetings of landowners are made up at the district police administrations, and those of persons who have the right to vote at the city elections at the townhalls or institutions which replace them. As regards the order to be observed in the publication of the lists and the dates when complaints must be presented, the regulations in force must be followed.

ART. 13. Lists of householders of Russian origin who have the right to vote at the volost meetings (art. 7) are made up by the volost administrations and are examined by the local church authorities. These lists are posted up at the offices of the volosts and at any time within a week from the day these lists are posted up the parties interested may file complaints with the respective district electoral committees.

ART. 14. The assemblies of representatives from the Russian agricultural population and of town electors of Russian origin are convoked in the district town under the presidency of persons appointed by the governors-general of Vilna, Kovno, and Grodno.

ART. 15. At the elections for representatives, as well as at town elections and at the elections of members of the Imperial Douma, the general rules relating to such assemblies in the present instructions must be followed.

STOLYPIN,

President of the Council of Ministers.

* * * * *

SUPPLEMENT IV TO ART. 4.

Rules and manner of election of members to the Imperial Douma by the Russian population of the city of Warsaw.

ART. 1. In order that the Russian population of the city of Warsaw should elect members to the Imperial Douma, there is convoked an assembly under the presidency of the president of the city, consisting of 25 electors chosen by the inhabitants of Warsaw of Russian origin who have a right to participate in the elections to the Imperial Douma.

REMARK.—The nearest definition as to who may be considered a person of Russian origin is determined by the governor-general of Warsaw. His decision is final, and complaint may not be filed.

ART. 2. The list of persons of Russian origin who have the right to take part in the election of members of the Imperial Douma for the city of Warsaw is made up and kept in order by the local city magistrate. Persons who are included in this list do not participate in the general elections of the city of Warsaw.

ART. 3. With regard to the publication of the lists and filing of complaints mentioned in article 2, the regulations provided in these respects must be observed.

ART. 4. In order to choose electors of Russian origin, the town is divided, with the sanction of the governor-general, into special electoral divisions, the number of voters being divided evenly among the various electoral divisions and placed on separate lists for each division.

ART. 5. The voting for electors takes place in the order defined in article 102 of the electoral laws of the Imperial Douma, edition of 1906.

ART. 6. The election of members of the Imperial Douma at the assemblies of electors from the Russian population of the city of Warsaw takes place according to the general rules set forth for city elections in the governments of the kingdom of Poland.

STOLYPIN,
President of the Council of Ministers.

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Numerical presentation of provinces, etc., in the Imperial Douma.

Provinces, districts, and cities.	Number of members.	Provinces, districts, and cities.	Number of members.
I. RUSSIA IN EUROPE.		I. RUSSIA IN EUROPE—Continued.	
1. Arkhangel	2	35. Riazan	8
2. Astrakhan	4	36. Samara	13
3. Bessarabia	9	37. St. Petersburg:	
4. Vilna:		Three for each electoral division of the city	6
From the Russian population	2	From the other towns and districts	4
From the remaining population	5	38. Saratov	11
5. Vitebsk	6	39. Simbissk	6
6. Vladimir	6	40. Smolensk	6
7. Vologda	5	41. Stavropol	3
8. Volhynia	13	42. Tauride	6
9. Voroneje	12	43. Tambov	12
10. Viatka	8	44. Tver	8
11. Grodno	7	45. Tula	6
12. Military District of the Don (Cossack)	12	46. Ufa	8
13. Ekaterinoslav	10	47. Kharkov	11
14. Kazan	10	48. Kherson:	
15. Kalouga	5	From Odessa, including one from the Russian population	2
16. Kiev:		From the other towns and districts	10
From the city of Kiev (one from each electoral division)	2	49. Tchernigov	10
From the other towns and districts	13	50. Esthonia	3
17. Kovno:		51. Yaroslav	5
From the Russian population	1	Total for Russia in Europe....	403
From the remaining population	5	II. KINGDOM OF POLAND.	
18. Kostroma	6	52. Warsaw:	
19. Courland	3	One for each electoral division of the city of Warsaw	2
20. Koursk	11	From the other towns and districts	1
21. Livonia:		53. Kalish	1
One for each electoral division of the city of Riga	2	54. Kielez	1
From the remaining towns and districts	4	55. Lomja	1
22. Minsk	9	56. Lublin	1
23. Mohilev	7	57. Petrokov:	
24. Moscow:		From the city of Lodz	1
Two for each electoral division of the city of Moscow	4	From the other towns and districts	1
From the remaining cities and districts	6	58. Polotsk	1
25. Nijni-Novgorod	7	59. Radom	1
26. Novgorod	6	60. Suvalk	1
27. Olonetz	3	61. Siedletz	1
28. Orenburg	6	62. From the Russian Greek Orthodox population of Lublin and Siedletz	1
29. Orloff	9	Total for the kingdom of Poland	14
30. Penza	6		
31. Perm	9		
32. Podolsk	13		
33. Poltava	12		
34. Pskov	5		

Numerical presentation of provinces, etc., in the Imperial Douma—Continued.

Provinces, districts, and cities.	Number of members.	Provinces, districts, and cities.	Number of members.
III. THE CAUCASUS REGION.		IV. ASIATIC RUSSIA—Continued.	
63. From the military population of the Kuban Military Cossacks.....	1	74. Province of Irkutsk.....	1
64. From the military population of the Terr Military Cossacks.....	1	75. Province of the Yenissei.....	1
65. From the population of the Kuban and Terr regions, not belonging to the Cossacks, and from the population of the Black Sea Province.....	1	76. From the Trans-Baikal region: From the military population of the Trans-Baikal Military Cossacks.....	1
66. From the province of Tiflis.....	1	From the remaining population.....	1
67. From the province of Kutais.....	1	77. From the province of the Amoor: From the town and country population, not natives and Cossacks.....	1
68. From the province of the Baku, Elisavetpol, and Erivan.....	2	78. From the Coast Provinces of Siberia: From the town and country population, not natives and Cossacks.....	1
69. From the regions of Kars and Batoum and the District of Sukhum.....	1	79. From the Military Cossacks of the Urals.....	1
70. From the Daghestan region and the District of Zakatal.....	1	80. From the military population of the Amoor and Cossacks of the Oussourisk.....	1
71. From the Russian population of the Trans-Caucasus.....	1		
Total for the Caucasus region..	10	Total for Asiatic Russia.....	15
IV. ASIATIC RUSSIA.		Total for the Russian Empire	442
72. Province of Tobolsk.....	3		
73. Province of Tomsk.....	4		

File No. 79/159.

Chargé Schuyler to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
St. Petersburg, Nov. 14, 1907.

Third Douma formally opened to-day.

SCHUYLER.

SIAM.

TREATIES BETWEEN SIAM AND FRANCE.

File No. 5359/1-4.

Minister King to the Secretary of State.

[Extract.]

No. 312.]

AMERICAN LEGATION,
Bangkok, March 28, 1907.

SIR: I inclose a clipping from the local press which appeared in all the city papers on Monday, March 25, and was given out by the general adviser as a brief of the treaty and as the Government's expression on the same.

There is a general feeling of satisfaction on the part of both France and Siam and the opinion prevails that the treaty will be ratified in Paris without much opposition.

The territory exchanged differs little in extent. The districts of Battambang and Siemrap, which France gets, have been considered by Mr. Strobel for a long time as French in sentiment, language, location, and everything but in name.

On the north the portion of Luang Prabang territory returned to Siam is a long, narrow tongue of land, extending perhaps 100 miles south into the main territory of Siam, following the boundary of an old former Siamese province and causing to Siam a great inconvenience because of separating her territory one part from another. By this new boundary this inconvenience will be removed.

I have, etc.,

HAMILTON KING.

[Inclosure 1.—Translation.]

His Majesty, the King of Siam and the President of the French Republic, in consequence of the operations of the delimitation undertaken in accordance with the convention of 13 February, 1904, desirous on the one hand of assuring the final settlement of all questions relative to the common frontiers of French Indo-China and Siam by a reciprocal and rational system of exchange, desirous, on the other hand, of facilitating the economic relations existing between the two countries by the progressive introduction of a uniform system of jurisdiction and by the extension of the rights of French subjects established in Siam, have decided to conclude a new treaty and have appointed for this purpose as their plenipotentiaries:

His Majesty, the King of Siam, His Royal Highness, Prince Devawongse-Varoparakar, knight of the Order of Maha-Chakkri, grand officer of the Legion of Honour, etc., minister for foreign affairs.

The President of the French Republic, Mr. Victor Emile Marie Joseph Collin (de Plancy), envoy extraordinary and minister plenipotentiary of the French Republic to Siam, officer of the Legion of Honor and of public instruction,

who, having full powers, found to be in due and proper form, have agreed upon the following provisions:

ARTICLE I.

The Siamese Government cedes to France the territories of Battambang, Siemreap, and Srisophon, the frontiers of which are defined by Section I of the protocol of delimitation annexed hereto.

ARTICLE II.

The French Government cedes to Siam the territories of Dan Sai and Kratt, the frontiers of which are defined by Sections I and II of the said protocol as well as all the islands situated to the south of Cape Lemling as far as and including Koh Kut.

ARTICLE III.

The delivery of the respective territories shall take place within a delay of twenty days after the ratification of the present treaty.

ARTICLE IV.

A mixed commission, composed of French and Siamese officers and officials, shall be appointed within a delay of four months after the ratification of the present treaty and shall be charged with the delimitation of the new frontier. This commission will begin its labors as soon as the season shall allow, and shall continue them in accordance with the protocol of delimitation annexed to the present treaty.

ARTICLE V.

All French Asiatic subjects and protégés who by application of Article XI of the convention of 13 February, 1904, shall be registered after the signature of the present treaty in the consulates of France in Siam, shall be subject to the jurisdiction of the ordinary Siamese courts.

The jurisdiction of the Siamese international courts established by Article XII of the convention of 13 February, 1904, shall, under the conditions declined in the protocol of jurisdiction annexed hereto, be extended through the whole of Siam to French Asiatic subjects and protégés affected by Articles X and XI of the same convention and at present registered in the consulates of France in Siam.

This system will come to an end and the jurisdiction of the international courts shall be transferred to the ordinary Siamese courts after the promulgation and the coming into force of the Siamese codes, namely, the penal code, the civil and commercial codes, the codes of procedure, and the law of organization of courts.

ARTICLE VI.

French Asiatic subjects and protégés shall enjoy throughout the whole extent of Siam the rights and prerogatives enjoyed by the natives of the country, notably the right of property, the right of free residence and travel.

They shall be subject to ordinary taxes and services.

They shall be exempt from military service and shall not be subject to extraordinary requisitions and taxes.

ARTICLE VII.

The provisions of the former treaties, agreements, and conventions between Siam and France, not modified by the present treaty, remain in full force.

ARTICLE VIII.

In case of difficulties arising from the interpretation of the present treaty, which is drawn up in French and Siamese, the French text shall govern.

ARTICLE IX.

The present treaty shall be ratified within a period of four months.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed their seals.

Done at Bangkok, in duplicate, the 23d of March, 1907.

[L. S.]

[L. S.]

DEVAWONGSE VAROPRAKAR.
COLLIN (DE PLANCY).

[Inclosure 2.—Translation.]

PROTOCOL CONCERNING THE DELIMITATION OF THE FRONTIERS AND ANNEXED TO THE TREATY OF MARCH 23, 1907.

For the purpose of facilitating the labors of the commission provided for by Article IV of the treaty of this day's date, and for the purpose of avoiding every possibility of difficulty in the delimitation, the Government of His Majesty the King of Siam and the Government of the French Republic have agreed as follows:

SECTION I.

The frontier between French Indo-China and Siam starts from the sea at a point opposite the highest point of the island of Koh Kut. From this point it follows a northeasterly direction to the ridge of Pnom Krevanh. It is formally understood that under any circumstances the eastern slopes of those mountains, including the entire basin of the Klong Ko Po, shall remain to French Indo-China. The frontier then follows along the ridge of the Pnom Krevanh in a northerly direction to Pnom Thom, which is on the main watershed between the stream flowing into the gulf and those flowing into the Great Lake. From Pnom Thom the frontier follows first in a northwesterly and then in a northerly direction the present boundaries between the province of Battambang on the one hand and the provinces of Chantaboon and Kratt on the other hand, to the point where this frontier cuts the stream called Nam Sai; thence following the course of that stream to its junction with the Srisophon River to a point 10 kilometers below the town of Aranh; from the last-mentioned point in a straight line to a point in the Dang Rek, halfway between the passes called "Chong Ta Koh" and "Chong Sa Met." It is understood that this last-mentioned line shall be so drawn as to leave within Siamese territory the direct route between Aranh and Chong Ta Koh. From the point in the Dang Rek above mentioned the frontier follows the watershed between the basin of the Great Lake and the Mekong on one side and the basin of the Nam Moun on the other till it reaches the Mekong below Pakmoun, at the mouth of the Huei Don, in conformity with the line agreed to by the preceding commission of delimitation on the 18th of January, 1907.

A rough sketch of the boundary described in this section is annexed hereto.

SECTION II.

With regard to Luang Prabang, the frontier starts, in the southern part, from the Mekong, at the mouth of the Nam Huong, and follows the thalweg of that river to its sources at a point named "Phu Khao Mieng." Then the frontier follows the watershed between the Mekong and the Menam, and reaches the Mekong at a point called "Keng Pha Dai," in conformity with the line adopted by the preceding commission of delimitation on the 16th of January, 1906.

SECTION III.

The boundary commission provided for in the Article IV of the treaty of this day's date shall have to determine and eventually mark out on the field that part of the frontier described in section I hereof. If, pending the operations of delimitation, the French Government should wish to make any change in the frontier, in order to substitute natural lines for conventional ones, such rectification can not under any circumstances be made to the prejudice of the Siamese Government.

[Inclosure 3.—Translation.]

PROTOCOL CONCERNING THE JURISDICTION APPLICABLE IN THE KINGDOM OF SIAM, TO FRENCH ASIATIC SUBJECTS AND PROTÉGÉS AND ANNEXED TO THE TREATY OF MARCH 23, 1907.

In execution of Article V of the treaty of this day's date, the Government of His Majesty, the King of Siam, and the Government of the French Republic,

desirous of regulating the organization and operation of the international courts, have agreed as follows:

SECTION I.

International courts will be established at all points where the good administration of justice demands, after an understanding between the minister of France at Bangkok and the minister for foreign affairs of Siam.

SECTION II.

Jurisdiction of the International Courts extends—

First. In civil matters: To all civil and commercial matters to which French Asiatic subjects or protégés shall be parties.

Second. In penal matters: To breaches of law of every kind, whether committed by French Asiatic subjects or protégés or to their injury.

SECTION III.

In Monthon, Udon, and Monthon Isan the jurisdiction of the international courts shall extend provisionally to all French Asiatic subjects and protégés, whatever be the date of their registration in the consulates of France.

SECTION IV.

The right of evocation shall be exercised in accordance with the provisions of Article XII of the convention of the 13th of February, 1904.

Nevertheless, this right shall cease to be exercised in all matters which shall be the subject of codes or laws regularly promulgated, as soon as the communication of such codes or laws shall have been made to the legation of France and they have been put into force. There shall be an understanding between the ministry for foreign affairs and the legation of France at Bangkok for the disposal of cases which shall be pending at the time that the said codes and laws come into force.

SECTION V.

All appeals against the decisions of the international courts of first instance shall be communicated to the consul of France, who shall have the right to give a written opinion upon the case, to be annexed to the record.

The judgment on appeal shall bear the signature of two European judges.

SECTION VI.

An appeal on the question of law may be made against judgments of appeal courts.

The ground of this appeal may be want of jurisdiction and abuse of power, and in general for every violation of the law. This appeal shall be judged by the supreme or dika court.

SECTION VII.

Whatever be the court which has taken cognizance of a civil or penal matter, the plea of want of jurisdiction based on the rules prescribed by the present treaty must be made before any defense on the main issue is offered.

[Inclosure 4.]

[From the Siam Free Press, March 25, 1907.]

NEW TREATY BETWEEN FRANCE AND SIAM.

A treaty between Siam and France was signed on Saturday, at Bangkok, by the minister of foreign affairs of Siam and the French minister.

The object of the treaty is, first, to provide for an exchange of territories, and, second, to make important modifications in the system of exterritoriality of French Asiatic subjects and protégés, in return for their having equal rights with Siamese subjects in the holding of property.

The Siamese Government cedes to France the provinces of Battambang, Siem-reap, and Srisophon, and the French Government cedes to Siam Dansai and the province of Krat, and the adjacent islands.

All French Asiatic subjects and protégés who register in the consulate of France after the date of this treaty will be subject to the jurisdiction of the ordinary Siamese courts. All such subjects and protégés at present registered will be subject to the system of the international courts now in force in the north. Such international courts will be established wherever necessary. When the Siamese codes are published this distinction will disappear, and all the Asiatic subjects and protégés of France will be subject to the jurisdiction of the ordinary Siamese courts. The position of French Asiatic subjects and protégés in Siam will be the same as that of Siamese subjects, as regards the ownership of property and the payment of ordinary taxes.

Colonel Bernard, the chief of the boundary commission, leaves Bangkok by this "donal," with the treaty. He will take the next French mail.

It is expected that this treaty will be promptly ratified by the French Chambers.

BANGKOK, 25 March, 1907.

SPAIN.

PAYMENT OF SPANISH INDEMNITY UNDER TREATY OF 1834.

File No. 7543/-1.

Minister Collier to the Secretary of State.

No. 358.]

AMERICAN LEGATION,
Madrid, June 19, 1907.

SIR: I have the honor to inclose copy (with translation) of a law passed by the Cortes and approved by His Catholic Majesty on June 16, 1907, and published in the Gaceta of yesterday, June 18. It authorizes the minister of finance to pay the principal of the debt recognized by the convention of 1834 between the United States and Spain. Payment of the principal will put an end to a matter various phases of which have occupied much of the time and much of the attention of the department and of this legation for over seventy years. The extensive correspondence upon the subject, from 1834 to 1884, was collated and reprinted in Executive Document No. 129, House of Representatives, Forty-eighth Congress, first session.

In an informal and personal conversation which I had to-day with Senor Osma, minister of finance, he told me that the law was in a sense permissive and not mandatory; that it authorized him to pay the principal of the debt and that it was his intention to pay the principal in full when the next payment of interest fell due. He alluded to earlier propositions to convert the debt, and to remote ones involving a settlement by composition, but gave me to understand that the payment when made would be for the full amount of the principal of the debt.

I am, etc.,

WM. MILLER COLLIER.

[Inclosure.—Translation.]

LAW AUTHORIZING THE MINISTER OF THE TREASURY TO PAY THE DEBT TO THE UNITED STATES ACKNOWLEDGED IN THE CONVENTION OF FEBRUARY 17, 1834.

Alfonso XIII, by grace of God and the constitution King of Spain.

To all those who may see and take notice of this be it known: That the Cortes has decreed and We have sanctioned the following:

Sole article. The minister of the treasury is authorized to pay the debt to the United States acknowledged in the convention celebrated with the Government of that nation February 17, 1834, giving account to the Cortes of the use which he may make of this authorization.

It will be understood that the necessary credit is given in an additional chapter of section 3 of the general obligations of the State (Obligaciones generales del Estado) of the present budget.

Therefore :

We command all courts, justices, chiefs, governors, and other authorities, either civil or military or ecclesiastical, of any class or rank, that they observe and cause to be observed, fulfilled, and executed the present law in all its parts.
Done at San Ildefonso June 16, 1907.

I, THE KING.

The Minister of the Treasury :
GUILLERMO J. DE OSMA.

File No. 7543/2.

The Acting Secretary of State to Minister Collier.

No. 143.]

DEPARTMENT OF STATE,
Washington, August 2, 1907.

SIR: I have to acknowledge the receipt of your No. 358 of June 19 last, inclosing a copy of the law authorizing the minister of finance to pay the principal and interest of the Spanish indemnity of 1834.

I inclose for your convenient information a copy of a memorandum made by the Second Assistant Secretary of State as to the manner, time, and place of payment of the inscriptions of 1834.

I am, etc.,

ALVEY A. ADEE.

[Inclosure.]

SPANISH INSCRIPTIONS OF 1834, MEMORANDUM AS TO MANNER, TIME, AND PLACE OF PAYMENT.

By the treaty signed at Madrid on February 17, 1834, and proclaimed on November 1, of the same year, the Government of Spain engaged "to pay to the United States as the balance on account of the claims aforesaid" (preferred by each party against the other) "the sum of \$12,000,000 of reals vellon, in one or several inscriptions, as preferred by the Government of the United States, of perpetual rents, on the great book of the consolidated debt of Spain, bearing an interest of 5 per cent per annum."

On the 13th of December, Minister C. P. Van Ness received of the Spanish Government 900 "inscriptions" of "rents at 5 per cent payable to the bearer in Paris," viz, 300 for \$1,000 each, and 600 for \$500 each. He received at the same time a draft for francs 81,000, or \$15,000, payable in Paris on the 14th of February, 1835, and delivered the coupons appertaining to said payment.

The "inscriptions" and draft were sent by Van Ness to Paris in the custody of the secretary of the legation, Arthur Middleton (dispatch No. 92, of December 29, 1834) and deposited with Rothschild Brothers who were then the bankers of the United States. The receipt signed by them and now bound with Secretary Middleton's letter of February 12, 1835, recites that the 900 certificates, in a package sealed with Middleton's seal and their own, was held gratuitously and without responsibility on their part, at the disposal of the Government of the United States, and would be returned on demand.

The practice in subsequent payments which were made in Paris in accordance with the terms of the treaty on or about the 14th of August, 1835, and in February and in August, 1836, seems to have been that the package was opened in the presence of the diplomatic representative of the United States for the purpose of detaching and delivering the coupons, and resealed.

After the last date above mentioned and owing to civil strife and pecuniary embarrassments in Spain payments were suspended until Aaron Vail, who was sent to Madrid as chargé d'affaires, effected in April, 1841, an arrangement by which the treasury of Cuba was to pay annually and "punctually" to an agent of the United States the sum of \$60,000, one-half of which was to be applied to the payment of arrears (dispatch of April 6, 1841). Vail's instructions (July 15, 1840) were to offer one of two modes of settlement: First, payment of arrears and interest by drafts on the Cuban treasury; second, acceptance of "coupons" of the certificates in settlement of customs and other dues in ports of Cuba.

The arrangement concluded by Aaron Vail was accepted by this Government, and in February, 1842, Tully R. Wise was sent to Habana as a secret agent (Special Missions Book No. 1, p. 181) and collected the sum of \$60,000. At the special request of the Spanish Government absolute secrecy was enjoined upon Agent Wise.

"In consequence of the inconvenience and expense of sending to the island of Cuba an agent" (instruction of August 29, 1842, to Washington Irving, Madrid) * * * "and of an assurance given to Mr. Wise that such a course would be perfectly acceptable," the intendant of Habana was asked on June 3, 1842 (Special Missions Book No. 1, p. 187), to remit the amount agreed on without the intervention of an agent. The refusal of the intendant, based on the circumstance that a Spanish claim (La Amistad) was awaiting adjustment, was made the subject of simultaneous and earnest representations through both the legations at Washington and at Madrid (August 16, 1842, to the Chevalier de Argaiz; August 29, 1842, to Washington Irving). On the 11th of January, 1843, Minister Irving was informed that on the 29th day of December the Chevalier de Argaiz had notified the department that he had received from the treasury of Cuba bills of exchange amounting to \$60,000. "The communication * * * and the delivery of the bills * * * were attended by no explanation whatever, nor has it been thought necessary by the Government to seek one." (Mr. Webster to Mr. Irving, January 17, 1843.) From that time, the practice seems to have obtained of receiving these remittances from the Spanish Legation at Washington. Payments were thus made or tendered in the sums of \$60,000 on November 13, 1841; \$60,000 on November 27, 1844, and, the arrears being then apparently covered, \$30,000 on April 9, 1846.

On the 9th of March, 1847, Minister Calderon de la Barca submitted the following proposition:

"First. That the Government of H. C. Majesty is disposed to locate permanently in Habana the payment of the interest to which the second article of the convention of 1834 refers.

"Second. That the amount of the said interest shall be annually remitted by the treasury of Habana in bills of exchange guaranteed by it of the same nature as those hitherto sent.

"Third. That to cover the expense of the acquisition of the said bills, that it may not fall upon Spain, 5 per cent, or \$1,500, shall be deducted from the aforesaid amount.

"Fourth. That on receiving the bills, the Government of the United States will give Her Majesty's legation in Washington the receipts and the usual order for the delivery of the coupons in the same manner and in the same form as has been practiced until now."

The proposition was accepted on the same day by Secretary Buchanan "in the understanding that the said annual remittance of interest, in bills of exchange, is to be made on the 14th day of August of each successive year, or, at latest, one month or forty days thereafter, from imperative or unforeseen circumstances, it should occasionally prove impossible to make it by the day named."

The first payment, under the arrangement, was made by the Spanish legation on May 25, 1847, in two letters of exchange amounting together to \$28,500 and covering the overdue installment of 1846.

Under date of October 28, 1847, Señor de la Barca again wrote to the department and asked that, by reason of the exhaustion of the coupons, the usual order to deliver the said coupons be dispensed with and that the receipt in quadruplicate be accepted in lieu of said order. This arrangement was also accepted by Secretary Buchanan on October 30, 1847; and from that date to the 21st of August, 1897, when the last payment was made by Minister Dupuy de Lome, all the remittances were made on the basis of the notes above referred to.

With more or less promptness the Spanish legation transmitted to the department one or more letters of exchange which, so far as the records indicate, were drawn by firms in Cuba on firms in the United States; upon receipt of these drafts the department sent to the Spanish legation a receipt accompanied by a memorandum setting forth the arrangement of October, 1847, in regard to the coupons (Appendix A), both these papers being in quadruplicate; and two copies attached to the memorandum; one of these was sent to the Treasury Department, by which, since 1884, the money thus received has been distributed to the person entitled to it, and the other forwarded through the diplomatic representative of the United States at Paris to Messrs. Rothschild Brothers.

The question of paying all the principal of the debt is one that has been put from time to time. The letter of the treaty shows that Spain discharged all her liabilities, to the amount of 12,000,000 of reals (\$600,000), by "one or several inscriptions * * * of perpetual rents." As said in Senate Report No. 1467, Fifty-fifth Congress, third session, "Spain executed the inscriptions as required by the treaty." It might therefore be said that the treaty obligation, as such, was fully discharged and in its stead a new obligation assumed by Spain toward certain holders of certificates of perpetual interest-bearing indebtedness. This seems to be the view taken by the Spanish Government in deciding to waive negotiations for the revival of the treaty of 1834 and to proceed to pay the interest suspended during the past two years.

In the form of such certificates appended to the treaty, Spain reserves the application to this particular debt of a general statute applicable to the perpetual consolidated debt of Spain, which provides for a sinking fund to be fed by annual payments into that fund of sums equal to 1 per cent of the par value of such inscriptions, which fund may be used for the extinguishment of the inscriptions, by the bankers, through purchases to be made at the open market rates.

In 1878 (November 1) Mr. Evarts instructed Mr. Lowell to ask of Spain the payment of the principal, founding his demand on the sinking fund proviso of the certificate, and on the translation given by him of the proviso to the effect that the prescribed sinking fund should be employed for the periodical extinguishment of the debt "at the current rate of exchange." The answer of the Spanish Government was to the effect that the sinking fund was a privilege reserved by the Spanish Government for its own advantage by buying in the certificates at the current market rate. Mr. Silvea said, March 18, 1879, "We continue to pay * * * public obligations." Mr. Evarts, April 10, 1879, rejoined, contesting the Spanish view, and the matter rested.

An earlier effort, or at least inquiries in the same direction, seem to have been made by Arthur Middleton, who, as mentioned above, was sent to Paris by Minister Van Ness with the 900 Spanish certificates. In his letter dated in Paris, February 12, 1835, he reports that Rothschild Brothers would be able and "probably willing to give more than anybody else" and that if the United States Government should offer a "guarantee" there would be no difficulty in obtaining "the highest price that can be got for any foreign stock, say from 85 to 90."

File No. 1021/12-14.

The Spanish Chargé to the Secretary of State.

[Translation.]

LEGATION OF SPAIN,
New York, August 12, 1907.

MR. SECRETARY: The Cortes of the Kingdom having granted the authorization requested by the Government of His Majesty the King, my august sovereign, to pay to the United States Government, before the end of the present year, the principal of the debt which was acknowledged as due it by the convention of February 17, 1834 (being represented by 300 bonds consolidated revenue of 5,000 pesetas each and 600 bonds of 2,500 pesetas each, in all 3,000,000 pesetas), as well as the interest due up to the date of this payment, His Majesty's Government, in accordance with the statement made to your excellency, first orally by His Majesty's minister, and afterwards in a note of May 28, last, and in view of the fact that the period for the payment of the interest on said debt expires on the 14th of August instant, has decided to pay the aforementioned principal of 3,000,000 pesetas at the time, and it has consequently seen fit to instruct me to place at your excellency's disposal and to deliver the said principal of 3,000,000 pesetas (\$570,000), together with the annual interest due the

14th instant, viz, \$28,500, being in all \$598,500, whereby the debt due from Spain to the United States Government under this head will be settled.

For all these sums I have the honor to hand to your excellency two checks marked "A" and "B," bearing date of August 13, 1907, payable to the order of the honorable Secretary of State of the United States by the National Metropolitan Bank of Washington.

While having the honor to carry out this order of my Government before your excellency, and with the request that you kindly send me a receipt in duplicate for each payment, I avail, etc.

MANUEL WALLS Y MERINO.

File No. 1021/12-14.

The Acting Secretary of State to Minister Collier.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, August 13, 1907.

Mr. Adee informs Mr. Collier that the Spanish Chargé d'Affaires at Washington paid to-day \$28,500 interest and \$570,000 principal in full of Spanish inscriptions of 1834.

File No. 1021/12-14.

The Acting Secretary of State to the Spanish Chargé.

Personal.]

DEPARTMENT OF STATE,
Washington, September 10, 1907.

DEAR MR. WALLS: I greatly regret the delay in acknowledging your note of August 12, which you handed to me August 13 together with two checks, one drawn for \$28,500 and the other for \$570,000, tendered in satisfaction of the last year's interest and the principal of the inscripciones of 1834.

As the former correspondence shows, it has been the practice to consult the holders of these inscriptions in matters affecting their interest, as was done in 1841 when it was proposed to commute the \$600,000 capital debt for \$500,000, and again in 1847 when the conditions of the annual payment of interest were changed by mutual agreement.

In order that a clear explanation may now be made to the holders, I should be very glad if you would advise me of the manner in which the tendered \$570,000 has been computed as the equivalent of the stipulated treaty debt.

Could you also tell me whether or not the original inscriptions should be returned, inasmuch as it will be necessary to take the proper steps to secure them in case they are desired by your Government.

Trusting that I shall soon be able to close the matter,

I am, etc.,

ALVEY A. ADEE.

File No. 1021/37.

The Spanish Chargé to the Secretary of State.

[Translation.]

LEGATION OF SPAIN,
Washington, September 25, 1907.

DEAR MR. ADEE: In reply to your letter to Mr. Walls under date of the 10th instant respecting the payment of two checks, one for \$28,500, the other for \$570,000, in settlement of the interests on the debt of 1834, due August 12, and of the capital of the said debt, I have to say that, as regards the inquiries made in your letter, the debt acknowledged by Spain to be due to the United States under the treaty of 1834 bore interest at the rate of 5 per cent per annum, and in refunding its capital the computation was made by capitalizing at 5 per cent the annuity of the \$28,500 that had been paid as interest since 1847 under the agreement by note of the 9th of March of the year just named.

The remittance of \$570,000 is therefore the product of \$28,500 by twenty annuities.

As to the return of the original certificates or inscription, my Government does not demand them, but I am authorized to receive them if the Federal Government so desires.

I trust that these explanations will answer the questions you asked of Mr. Walls and that your department will now send me two separate receipts in quadruplicate for each of the payments made by the legation on the 12th of August last.

I remain, etc.,

L. PASTOR.

File No. 1021/12-14.

The Secretary of State to the Spanish Chargé.

No. 58.]

DEPARTMENT OF STATE,
Washington, November 4, 1907.

SIR: I have the honor to acknowledge the receipt of Mr. Walls's note of August 12 last, in which he advises the department that the Cortes of Spain, having authorized His Majesty's Government to pay before the end of the present year the principal of the debt to this Government acknowledged as due by the convention of February 17, 1834, which is represented by bonds amounting in all to 3,000,000 pesetas, payable in Madrid, as well as the annual interest due on the same on August 14, 1907, His Majesty's Government has directed him to deliver to this department two checks, dated August 13, 1907, payable to the Secretary of State of the United States by the National Metropolitan Bank of Washington, D. C., the first for \$570,000, in payment of the principal, and the second for \$28,500, in payment of the annual interest due on August 14 last.

I have the honor further to acknowledge the receipt of the checks above described as representing in full the amount of the principal above mentioned in New York exchange, less the cost of exchange, and the amount of interest due August 14, 1907, under the agreement of 1847, by which it was stipulated that the sum of \$28,500, paid in this country, should be accepted as the annual interest in place of

the \$30,000 payable annually under the terms of the treaty of February 17, 1834; and, in compliance with the request made in Mr. Walls's note, I take pleasure in transmitting my receipts in full, each in duplicate, for the principal and the interest due August 14, 1907.

Accept, etc.,

ELIHU ROOT.

ARBITRATION TREATY BETWEEN SPAIN AND SWITZERLAND.

File No. 8027/-1.

Minister Collier to the Secretary of State.

No. 375.]

AMERICAN LEGATION,
San Sebastian, July 31, 1907.

SIR: I have the honor to report that the Gaceta announces the exchange at Berne on July 9, 1907, of the ratifications of a treaty of arbitration between Spain and Switzerland.

Copy of the Spanish text of the treaty and translation are herewith inclosed.

I have, etc.,

WM. MILLER COLLIER.

[Inclosure.—Translation.]

CONVENTION OF ARBITRATION BETWEEN SPAIN AND SWITZERLAND.

The Government of His Majesty the King of Spain and the Federal Council of the Swiss Confederation, desiring to celebrate a convention of arbitration, in virtue of article 19 of the convention for the peaceful solution of international conflicts, signed at The Hague July 29, 1899.

Have authorized the undersigned to make the following arrangements:

ARTICLE I.

Questions of a juridical character or those relative to the interpretation of the treaties existing between the high contracting parties, which arise between them, and which may not have been solved through the diplomatic channels, shall be submitted to the Permanent Tribunal of Arbitration established by The Hague Convention of July 29, 1899, provided that they do not put in issue the vital interests nor the independence nor the honor of the contracting states, and that they do not affect the interests of third powers.

ARTICLE II.

In each particular case the high contracting parties, before resorting to the permanent tribunal of arbitration, will sign a special agreement which shall define clearly the object of the litigation, the extent of the powers of the arbitrators, and the limitations of time which have to be observed with respect to the constitution of the arbitration tribunal and to the proceedings.

ARTICLE III.

The present convention shall be in force during five years, beginning with the day of exchange of the ratifications, which shall take place in Berne as soon as possible.

Made in duplicate, in Berne, May 14, 1907.

The Spanish minister,

EL MARQUES DE PRAT DE NANTOUILLET.

The President of the Swiss Confederation,

MÜLLER.

This convention has been ratified, and the ratifications have been exchanged in Berne on the 9th instant (July, 1907).

**STATUS OF CHILD BORN OF FOREIGN PARENTS AND ADOPTED BY
AN AMERICAN CITIZEN.**

File No. 4050/19-21.

Minister Collier to the Secretary of State.

No. 292.]

AMERICAN LEGATION,
Madrid, April 11, 1907.

SIR: I have the honor to send you herewith a copy of a letter from Mr. D. R. Birch, United States consul at Malaga, asking if Carmen Bligh Durkee, a child born in Spain of British parentage and adopted by Mrs. Durkee, an American citizen, is entitled to be registered in the consulate as an American citizen, together with my reply to Mr. Birch informing him that the child is not an American citizen and is not entitled to be registered as such.

I ask your consideration of this question so that if you should disapprove my decision the consul at Malaga may be advised.

I am, etc.,

WM. MILLER COLLIER.

[Inclosure 1.]

Consul Birch to Minister Collier.

CONSULAR SERVICE, UNITED STATES OF AMERICA,
Malaga, April 5, 1907.

SIR: I beg to place before you, at the request of the parties concerned and for my own official information, the following case:

Mrs. Rose Durkee, a resident of Colorado Springs, Colo., now temporarily in Malaga, asks that I enter upon the register of American citizens in this consulate the name of Carmen Bligh Durkee, aged 5½ years.

The child, who has just been adopted by Mrs. Durkee, was born of British parents in Huelva, Spain. Her mother is dead and the father, now living in Huelva, has just signed before the American consular agent at Huelva a document which embodies both a renunciation of paternal rights on the part of the father in favor of Mrs. Durkee and acceptance of adoption and all its responsibilities on the part of Mrs. Durkee.

The latter has signed the document before me, which act is believed by Mrs. Durkee to make effective the actual adoption of the child.

Mrs. Durkee is very desirous that no question should ever be raised as to the validity of the adoption, and therefore, as an additional point of security, wishes to have the child registered here.

Would you be good enough to advise me if I should accept this registration.

I am asked by the British consul here to inform him if aliens may be married by civil process in the United States and what length of temporary residence is required. I have nothing in this consulate bearing on the point and would request that you kindly enlighten me.

Thanking you in advance for your courtesy,

I am, etc.,

D. R. BIRCH.

[Inclosure 2.]

Minister Collier to Consul Birch.

AMERICAN LEGATION,
Madrid, April 11, 1907.

DEAR SIR: I am in receipt of your letter of the 5th instant inquiring as to your right to register in your consulate as an American citizen, Carmen Bligh Durkee, a child 5½ years of age born in Spain of British parents, and always resident in Spain, but recently adopted by Mrs. Durkee, an American citizen, temporarily residing in Malaga.

In reply I beg to advise you that this child is not an American citizen and can not be registered by you as such. I quote the following, which appears in Wharton's International Law Digest, volume 2, article 184, page 407, being an extract from a letter of Secretary of State Frelinghuysen to Mr. Willis, written February 21, 1884.

"There are but three methods known to me for obtaining the rights of an American citizen. Those entitled to such rights are:

"(1) Children born in the United States, and subject to the jurisdiction thereof;

"(2) Children born of American parents whose fathers have resided within the United States; and,

"(3) Those embraced by the naturalization law, which would include those naturalized and their children minors at the time of naturalization, if within the jurisdiction of this country.

"I can not see that this child born abroad presumably of foreign parents is by the act of adoption under a state law brought within either of these provisions prescribing United States citizenship."

A copy of your letter and of this reply to you will be sent to the Department of State. Should the department disapprove my course you will be advised.

With regard to your second question I beg to say that in the United States marriage as well as divorce is regulated by state law. This may differ in the various States. Almost universally, however, civil marriages are allowed and aliens as well as natives may contract them and no length of residence is prerequisite to the right to make these contracts.

I am, etc.,

WM. MILLER COLLIER.

File No. 4050/19-21.

The Secretary of State to Minister Collier.

No. 120.]

DEPARTMENT OF STATE,
Washington, May 1, 1907.

SIR: The department has received your No. 292, of the 11th ultimo, submitting correspondence with the consul at Malaga, relative to the citizenship of Carmen Bligh Durkee, a child born in Spain of British parentage and adopted by an American citizen. Mrs. Durkee applied to the consul to have the child registered and you instructed the consul that the child was not entitled to be registered as an American citizen.

The department fully approves the position taken by you, which reaffirms opinions expressed by the department in analogous cases on previous occasions. (See vol. 3, sec. 415, Moore's Digest of International Law.)

I am, etc.,

E. ROOT.

DECORATIONS CONFERRED UPON AMERICAN CITIZENS PRIOR TO THEIR RECEIVING APPOINTMENT IN THE DIPLOMATIC SERVICE.

File No. 4199/9.

Chargé Buckler to the Secretary of State.

No. 415.]

AMERICAN LEGATION,
Madrid, October 18, 1907.

SIR: I have the honor, respectively, to ask instructions from the department as to whether I may wear here, on full-dress occasions, the "plaque" of the Order of Carlos III, which the Spanish Government conferred on me last year while secretary of the American special embassy.

Although this order was bestowed on me—as was the Grand Cross thereof on the special ambassador, Mr. Whitridge—upon the occasion of the King's marriage (May 31, 1906), yet the diploma actually conferring the order was not signed till more than a month later (i. e., in July, 1906), when I was no longer in the service of the United States, but was a mere private citizen.

The question I desire to ask is, whether a person like myself, not in the diplomatic service at the time when such a decoration is conferred, may wear it without special leave from Congress, after he has entered the diplomatic service.

If the department is of opinion that I must obtain the leave of Congress before wearing this decoration, then I respectfully request that application for such leave may be made in the usual manner to Congress on my behalf. I understand that such applications are sent in by the department, are acted on by Congress, if at all, once a year in a single batch.

I regret to trouble the department about such a matter, but having received this decoration, I am informed that international courtesy requires me either to wear it or else to explain that I have applied for and am only awaiting permission to do so.

I have, etc.,

WILLIAM H. BUCKLER.

File No. 4199/9.

The Acting Secretary of State to Chargé Buckler.

No. 244.]

DEPARTMENT OF STATE,
Washington, December 17, 1907.

SIR: I have to acknowledge the receipt of your No. 415, of October 18 last, in which you ask whether you may wear in Madrid on full-dress occasions the plaque of the Order of Carlos III, which decoration was conferred upon you by the Spanish Government when you served as secretary of the American special embassy.

In reply I have to say that the question presented has been referred to the law officer of the department and very carefully considered. The department is of the opinion, in view of all the facts and circumstances, that you are not prohibited by law from receiving the insignia of the Order of Carlos III and that, therefore, inasmuch as the consent of Congress was not necessary in order that you might legally receive the decoration, you would not be prohibited by the strict terms of section 2 of the act of 1881 from wearing the decoration in question.

The department, however, believes that diplomatic officers of the United States should seek to observe the intendment and spirit of the prohibition rather than merely to be governed by its literal scope. This intendment seems broadly to be that no officer of the United States shall make public display of a favor bestowed upon him by a foreign government. The words "by consent of Congress" in section 2 of the act of January 31, 1881, may be considered as merely recitative of the general condition under which an officer of the United States may be in possession of a foreign decoration, but could hardly have been intended to limit the prohibition and discriminate

against an officer possessing it by consent of the Congress and in favor of one possessing such decoration without consent.

Accordingly, it appears to the department that you would exhibit questionable taste in claiming the privilege, under a limiting interpretation of the statute, to wear a decoration which you would not be at liberty to wear if possessed by virtue of the consent of Congress.

I am, etc.,

ROBERT BACON.

AGREEMENT OF SPAIN WITH FRANCE AND GREAT BRITAIN FOR THE PRESERVATION OF THEIR TERRITORIAL STATUS QUO IN THE MEDITERRANEAN AND ON THE ATLANTIC COASTS OF EUROPE AND AFRICA.

File No. 7132/1-3.

Minister Collier to the Secretary of State.

No. 352.]

AMERICAN LEGATION,
Madrid, June 15, 1907.

SIR: I have the honor to transmit to you herewith copies of simultaneous agreements made between France and Spain and Great Britain and Spain on May 16, 1907,^a for the purpose of the maintenance of territorial status quo of these three countries in the Mediterranean and in that part of the Atlantic Ocean which washes the shores of Europe and Africa.

These were handed to me this morning by the minister of state for transmission to you. He informed me that copies would also be given to-day to the American ambassadors at Paris and London and to the ministers of foreign affairs of Germany, Austria, Italy, Russia, and Portugal.

I am, etc.,

WM. MILLER COLLIER.

^a For text of agreement, see Great Britain, p. 538.

SWEDEN.

DEATH OF KING OSCAR II OF SWEDEN AND THE ACCESSION TO THE THRONE OF KING GUSTAV V.

File No. 3123/6.

Minister Graves to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Stockholm, December 8, 1907.

King Oscar of Sweden died this morning.

GRAVES.

File No. 3123/6.

President Roosevelt to the King of Sweden.

[Telegram.]

WASHINGTON, *December 8, 1907.*

I deeply sympathize with Your Majesty and with the people of Sweden in the loss of an honored father and a venerated sovereign.

THEODORE ROOSEVELT.

File No. 3123/6.

The Acting Secretary of State to Minister Graves.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 8, 1907.

The President has cabled a message of sympathy. The legation will show all due respect to the late King's memory.

ADEE.

File No. 3123/7.

The Swedish Chargé to the Secretary of State.

LEGATION OF SWEDEN,
Washington, December 8, 1907.

SIR: With the deepest regret I herewith have the honor to inform your excellency of the demise of my beloved sovereign, His Majesty King Oscar II of Sweden, which took place at the royal castle at Stockholm this morning at fifteen minutes after 9 o'clock.

I have, etc.,

A. EKENGREN.

File No. 3123/7.

The Acting Secretary of State to the Swedish Chargé.

No. 42.]

DEPARTMENT OF STATE,
Washington, December 9, 1907.

SIR: I have received with sincere regret your note of the 8th instant announcing the death of His Majesty King Oscar II of Sweden, which took place at the royal castle at Stockholm on yesterday morning.

A telegram was received at an early hour yesterday from the minister of the United States at Stockholm announcing His Majesty's death.

The President at once sent a telegram to His Majesty Gustavus V, reading as follows.^a

Accept, etc.,

ROBERT BACON.

File No. 3123/8.

Minister Graves to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Stockholm, December 10, 1907.

(States that the funeral of the King of Sweden will take place on the 19th of December, and that Great Britain, Germany, Austria, and other countries will be represented by a member of the royal family. France will probably have special representatives.)

File No. 3123/8.

The Secretary of State to Minister Graves.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, December 11, 1907.

(Instructs Mr. Graves to represent the President at the funeral of the King.)

File No. 3123/10-11.

Minister Graves to the Secretary of State.

No. 142.]

AMERICAN LEGATION,
Stockholm, December 11, 1907.

SIR: I have the honor to transmit herewith a copy of the official announcement which has been received by me from the minister for foreign affairs of the death of His Majesty Oscar II, the King of Sweden, and of the ascension to the throne of Sweden of His Majesty Gustaf V, together with a translation of the same.

I have, etc.,

CHARLES H. GRAVES.

[Inclosure.—Translation.]

*The Minister for Foreign Affairs to Minister Graves.*ROYAL FOREIGN OFFICE,
Stockholm, December 8, 1907.

MR. MINISTER: I have the sad duty to inform you that my august sovereign the King died this morning at 9 o'clock 10 minutes. In conformity to the fundamental laws of the kingdom, the King Gustaf V is thereby placed upon the throne of Sweden. The profound mourning of His Majesty and the royal family is keenly and sincerely shared by his people, who have lost a beloved ruler.

In begging you, Mr. Minister, to convey to your Government this sad communication, I take, etc.,

TROLLE.

POLITICAL CONDITIONS.

File No. 4359.

Minister Graves to the Secretary of State.

No. 96.]

AMERICAN LEGATION,
Stockholm, January 16, 1907.

SIR: I have the honor to report that the Swedish Riksdag was to-day opened by the Crown Prince Regent with a speech from the throne, the King still being confined to his rooms.

His Royal Highness first called attention to the royal proposition to the Riksdag which is intended to extend franchise rights to citizens of humbler estate, and emphasized the importance of the acceptance of this law proposition, which has been placed before the Riksdag in one form or another at every session for several years past.

Among the important propositions in civil legislation the following were mentioned:

Proposition for new law in regard to the leasing of real estate. (Specially important for the city of Stockholm, where the rights of tenants are very meagerly protected by present law.)

Proposition for appropriation of larger funds for salaries of government officials of all classes, owing to the enormous increase in living expenses in Sweden, "an unavoidable consequence of general development," as well as for appropriation of funds sufficient to enable a proper pensioning of civil-service officers.

Proposition for reorganization of the telegraph and railway boards.

Proposition for building of an inland railway traversing the western part of Sweden from south to north—"of great importance for the development and defense of the country."

Proposition for instituting "free harbors" and bonded storehouses.

Proposition for instituting special waterfall commission for putting government waterfalls to practical use and for making extensive hydrographic surveys of lakes and water courses.

Proposition for promoting agricultural interests; f. i., "homestead loans."

Proposition for revising the income tax.

Propositions for large increase of the budget, which will not, however, entail new or increased taxes, as the income of the Kingdom has lately been greatly augmented.

Furthermore, His Royal Highness called attention to the long-felt need of a better naval station near Stockholm, and said that a proposition would be presented to the Riksdag for establishing such a station on the island of Lidingö, near Stockholm.

I have, etc.,

CHARLES H. GRAVES.

File No. 4359/1.

Minister Graves to the Secretary of State.

No. 105.]

AMERICAN LEGATION,
Stockholm, May 25, 1907.

SIR: I have the honor to report that the proposed reform of the franchise, which has been the most important and absorbing political question in Sweden since the dissolution of the union with Norway, has now been settled by the adoption of a compromise measure by both the houses of the Riksdag. As it is an amendment of the constitution, the measure must be adopted also by the Riksdag of 1909, and if so adopted, will take effect at the autumn elections of 1911.

I append the following brief résumé of its provisions, as they may be of interest to the students of the progress toward democracy in Europe, and also of interest because they are still so far from the franchise liberty of our own Republic.

There are two houses in the Swedish Riksdag, called the First and Second Chambers, and the new law prescribes as to the First Chamber that members shall be elected by the assize courts and by the city councils, who in their turn shall be elected by those who have "community suffrage rights according to the 40-degree scale" (restricted franchise).

To be eligible for election to the First Chamber, one must be 35 years of age, have property, for the three years previous, of real estate value of 50,000 crowns (formerly 80,000), or have paid the State, for three years previous, income taxes on 3,000 crowns of income (formerly 4,000) per annum.

The salary shall be 1,200 crowns per session (both houses) and traveling expenses. Term of office for First Chamber, six years (formerly nine), but an election will take place each year in some districts, so that the First Chamber shall be a continuous body.

The manner of election of members of the assize courts and the city councils shall be "proportional," as will be that of elections of members in the Second Chamber.

In rural communities the franchise shall be as follows:

For an income up to 1,000 crowns per annum, a man shall be entitled to cast one vote for each 100 crowns; with income above 1,000 crowns he shall have 11 votes, and one vote for each 500 crowns in excess of 1,500. So that if a voter has an income of over 1,500 crowns and not over 2,000, he shall have 12 votes, and so on for higher amounts except that no one person shall have suffrage rights of more than 40 votes, and in no case of a larger number of votes than one-tenth of the whole number of votes of the community in which he votes.

In cities the franchise shall be:

For an annual income up to 2,000 crowns a person shall be entitled to cast one vote for each 100. With a higher income than 2,000 crowns, 21 votes, and one vote additional for each 500 crowns in excess of the 2,500 crowns; so that an income of over 2,500 but not exceeding 3,000 crowns will give the person 22 votes, and so on, except that no person shall have more than 40 votes.

In "communal decisions" two-thirds majority is required (disposition of real property and questions connected therewith, appropriating money for new purposes, or borrowing money).

Eligibility to office in communities is extended to women, but not as to the assize court.

Term of service in assize court, four years (formerly two).

Manner of election in communities to be the "proportional."

Second Chamber—Suffrage.—The right to vote for members belongs to every man who has civic rights and is 24 years of age.

Exceptions.—A. He who stands under guardianship or is in a state of bankruptcy.

B. He who is in debt for support, which, during the current or next preceding calendar year, has been given by the pauper board to him, his wife, or minor children.

C. He who has not paid the taxes levied upon him and payable to the State or the community, which taxes have fallen due during the three last past calendar years.

D. A conscript who has not performed military service which he was obliged to do, to and including the last past calendar year.

Eligibility for election as member of the Second Chamber is identical with the qualifications for a voter, but the candidate must be a resident of the electoral district, or in a city composed of several districts, of one of them.

The method of election to the Second Chamber is the "proportional one" according to the Phragmá method, which was presented by the cabinet, with the amendments by the committee which refer to counteracting decapitation.

Electoral circuits (districts) are 56 in number (the largest elects 11, the smallest 2). City of Stockholm has 2 districts, electing 7 members each.

I understand that the "proportional system" is practically what we know as "minority representation," the minority of voters having a right to concentrate their votes on a minority of the allotted number, and so have representation.

I have, etc.,

CHARLES H. GRAVES.

SWITZERLAND.

CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED OF THE ARMIES IN THE FIELD.

Signed at Geneva July 6, 1906.

Ratification advised by the Senate December 19, 1906.

Ratified by the President of the United States January 2, 1907.

Ratification deposited with the Government of the Swiss Confederation February 9, 1907.

Proclaimed August 3, 1907.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and Germany, the Argentine Republic, Austria-Hungary, Belgium, Bulgaria, Chile, China, the Congo Free State, Denmark, Spain, Brazil, Mexico, France, Great Britain, Greece, Guatemala, Honduras, Italy, Japan, Luxemburg, Montenegro, Norway, the Netherlands, Peru, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden, Switzerland, and Uruguay, for the amelioration of the condition of the wounded of armies in the field, was signed at Geneva, July 6, 1906, the original of which convention, being in the French language, is word for word as follows:

[Translation.]

CONVENTION FOR THE AMELIORATION OF THE CONDITION OF THE WOUNDED IN ARMIES IN THE FIELD.

His Majesty the Emperor of Germany, King of Prussia; His Excellency the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary; His Majesty the King of the Belgians; His Royal Highness the Prince of Bulgaria; His Excellency the President of the Republic of Chile; His Majesty the Emperor of China; His Majesty the King of the Belgians, Sovereign of the Congo Free State; His Majesty the Emperor of Corea; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the United States of Brazil; the President of the United Mexican States; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Honduras; His Majesty the King of Italy; His Majesty the Emperor

of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; His Highness the Prince of Montenegro; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, etc.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; the President of the Oriental Republic of Uruguay.

Being equally animated by the desire to lessen the inherent evils of warfare as far as is within their power, and wishing for this purpose to improve and supplement the provisions agreed upon at Geneva on August 22, 1864, for the amelioration of the condition of the wounded in armies in the field,

Have decided to conclude a new convention to that effect, and have appointed as their plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia: His Excellency the Chamberlain and Actual Privy Councilor A. de Bülow, Envoy Extraordinary and Minister Plenipotentiary at Berne, General of Brigade Baron de Manteuffel, Medical Inspector and Surgeon-General Dr. Villaret (with rank of general of brigade), Dr. Zorn, Privy Councilor of Justice, ordinary professor of law at the University of Bonn, Solicitor of the Crown;

His Excellency the President of the Argentine Republic: His Excellency Mr. Enrique B. Moreno, Envoy Extraordinary and Minister Plenipotentiary at Berne, Mr. Molina Salas, Consul-General in Switzerland;

His Majesty the Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary: His Excellency Baron Heidler de Egeregg et Syrgenstein, Actual Privy Councilor, Envoy Extraordinary and Minister Plenipotentiary at Berne;

His Majesty the King of the Belgians: Colonel of Staff Count de T'Serclaes, Chief of Staff of the Fourth Military District;

His Royal Highness the Prince of Bulgaria: Dr. Marin Rousseff, Chief Medical Officer, Captain of Staff Boris Sirmanoff;

His Excellency the President of the Republic of Chile: Mr. Augustin Edwards, Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the Emperor of China: His Excellency Mr. Lou Tseng Tsiang, Envoy Extraordinary and Minister Plenipotentiary to the Hague;

His Majesty the King of the Belgians, Sovereign of the Congo Free State: Colonel of Staff Count de T'Serclaes, Chief of staff of the Fourth Military District of Belgium;

His Majesty the Emperor of Corea: His Excellency Mr. Tsunetada Kato, Envoy Extraordinary and Minister Plenipotentiary of Japan to Brussels;

His Majesty the King of Denmark: Mr. Laub, Surgeon-General, Chief of the Medical Corps of the Army;

His Majesty the King of Spain: His Excellency Mr. Silverio de Baguer y Corsi, Count of Baguer, Minister Resident;

The President of the United States of America: Mr. William Cary Sanger, former Assistant Secretary of War of the United States of

America, Vice-Admiral Charles S. Sperry, President of the Naval War College, Brigadier-General George B. Davis, Judge-Advocate-General of the Army, Brigadier-General Robert M. O'Reilly, Surgeon-General of the Army;

The President of the United States of Brazil: Dr. Carlos Lemgruber-Kropf, Chargé d'Affaires at Berne, Colonel of Engineers Roberto Trompowski, Leitao d'Almeida, Military Attaché to the Brazilian Legation at Berne;

The President of the United Mexican States: General of Brigade José Maria Perez;

The President of the French Republic: His Excellency Mr. Révoil, Ambassador to Berne, Mr. Louis Renault, Member of the Institute of France, Minister Plenipotentiary, Jurisconsult of the Ministry of Foreign Affairs, Professor in the Faculty of Law at Paris, Colonel Olivier of Reserve Artillery, Chief Surgeon Pauzat of the Second Class;

His Majesty the King of the United Kingdom of Great Britain and Ireland, Emperor of India: Major-General Sir John Charles Ardagh, K. C. M. G., K. C. L. E., C. B., Professor Thomas Erskine Holland, K. C., D. C. L., Sir John Furley, C. B., Lieutenant-Colonel William Grant Macpherson, C. M. G., R. A. M. C.;

His Majesty the King of the Hellenes: Mr. Michel Kebedgy, Professor of International Law at the University of Berne;

The President of the Republic of Guatemala: Mr. Manuel Arroyo, Chargé d'Affaires at Paris, Mr. Henri Wiswald, Consul-General to Berne, residing at Geneva;

The President of the Republic of Honduras: Mr. Oscar Hœpfl, Consul-General to Berne;

His Majesty the King of Italy: Marquis Roger Maurigi di Castel Maurigi, Colonel in His Army, Grand Officer of His Royal Order of the SS. Maurice and Lazare, Major-General Giovanni Randone, Military Medical Inspector, Commander of His Royal Order of the Crown of Italy;

His Majesty the Emperor of Japan: His Excellency Mr. Tsunetada Kato, Envoy Extraordinary and Minister Plenipotentiary to Brussels;

His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau: Staff Colonel Count de T'Serclaes, Chief of Staff of the Fourth Military District of Belgium;

High Highness the Prince of Montenegro: Mr. E. Odier, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation in Russia, Colonel Mürset, Chief Surgeon of the Swiss Federal Army;

His Majesty the King of Norway: Captain Daae, of the Medical Corps of the Norwegian Army;

Her Majesty the Queen of the Netherlands: Lieutenant-General (retired) Jonkheer J. C. C. den Beer Poortugael, Member of the Council of State, Colonel A. A. J. Quanjer, Chief Medical Officer, First Class;

The President of the Republic of Peru: Mr. Gustavo de la Fuente, First Secretary of the Legation of Peru at Paris;

His Imperial Majesty the Shah of Persia: His Excellency Mr. Samad Khan Momtaz-os-Saltaneh, Envoy Extraordinary and Minister Plenipotentiary at Paris;

His Majesty the King of Portugal and of the Algarves, etc.: His Excellency Mr. Alberto d'Oliveira, Envoy Extraordinary and Minister Plenipotentiary at Berne, Mr. José Nicolau Raposo-Botelho, Colonel of Infantry, former Deputy, Superintendent of the Royal Military College at Lisbon;

His Majesty the King of Roumania: Dr. Satche Stephanesco, Colonel of Reserve;

His Majesty the Emperor of All the Russias: His Excellency Privy Councilor de Martens, Permanent Member of the Council of the Ministry of Foreign Affairs of Russia;

His Majesty the King of Servia: Mr. Milan St. Markovitch, Secretary-General of the Ministry of Justice, Colonel Dr. Sondermayer, Chief of the Medical Division of the War Ministry;

His Majesty the King of Siam: Prince Charoon, Charge d'Affaires at Paris, Mr. Corragioni d'Orelli, Counselor of Legation at Paris;

His Majesty the King of Sweden: M. Sörensén, Chief Surgeon of the Second Division of the Army;

The Swiss Federal Council: Mr. E. Odier, Envoy Extraordinary and Minister Plenipotentiary in Russia, Colonel Mürset, Chief Surgeon of the Federal Army;

The President of the Oriental Republic of Uruguay: Mr. Alexandre Herosa, Chargé d'Affaires at Paris,

Who, having communicated to each other their full powers, found in good and due form, have agreed on the following:

CHAPTER I.—*The sick and wounded.*

ARTICLE 1.

Officers, soldiers, and other persons officially attached to armies, who are sick or wounded, shall be respected and cared for, without distinction of nationality, by the belligerent in whose power they are.

A belligerent, however, when compelled to leave his wounded in the hands of his adversary, shall leave with them, so far as military conditions permit, a portion of the personnel and material of his sanitary service to assist in caring for them.

ARTICLE 2.

Subject to the care that must be taken of them under the preceding article, the sick and wounded of an army who fall into the power of the other belligerent become prisoners of war, and the general rules of international law in respect to prisoners become applicable to them.

The belligerents remain free, however, to mutually agree upon such clauses, by way of exception or favor, in relation to the wounded or sick as they may deem proper. They shall especially have authority to agree:

1. To mutually return the sick and wounded left on the field of battle after an engagement.

2. To send back to their own country the sick and wounded who have recovered, or who are in a condition to be transported and whom they do not desire to retain as prisoners.

3. To send the sick and wounded of the enemy to a neutral state, with the consent of the latter and on condition that it shall charge itself with their internment until the close of hostilities.

ARTICLE 3.

After every engagement the belligerent who remains in possession of the field of battle shall take measures to search for the wounded and to protect the wounded and dead from robbery and ill treatment.

He will see that a careful examination is made of the bodies of the dead prior to their interment or incineration.

ARTICLE 4.

As soon as possible each belligerent shall forward to the authorities of their country or army the marks or military papers of identification found upon the bodies of the dead, together with a list of names of the sick and wounded taken in charge by him.

Belligerents will keep each other mutually advised of internments and transfers, together with admissions to hospitals and deaths which occur among the sick and wounded in their hands. They will collect all objects of personal use, valuables, letters, etc., which are found upon the field of battle, or have been left by the sick or wounded who have died in sanitary formations or other establishments, for transmission to persons in interest through the authorities of their own country.

ARTICLE 5.

Military authority may make an appeal to the charitable zeal of the inhabitants to receive and, under its supervision, to care for the sick and wounded of the armies, granting to persons responding to such appeals special protection and certain immunities.

CHAPTER II.—*Sanitary formations and establishments.*

ARTICLE 6.

Mobile sanitary formations (*i. e.*, those which are intended to accompany armies in the field) and the fixed establishments belonging to the sanitary service shall be protected and respected by belligerents.

ARTICLE 7.

The protection due to sanitary formations and establishments ceases if they are used to commit acts injurious to the enemy.

ARTICLE 8.

A sanitary formation or establishment shall not be deprived of the protection accorded by article 6 by the fact:

1. That the personnel of a formation or establishment is armed and uses its arms in self-defense or in defense of its sick and wounded.
2. That in the absence of armed hospital attendants, the forma-

tion is guarded by an armed detachment or by sentinels acting under competent orders.

3. That arms or cartridges, taken from the wounded and not yet turned over to the proper authorities, are found in the formation or establishment.

CHAPTER III.—*Personnel.*

ARTICLE 9.

The personnel charged exclusively with the removal, transportation, and treatment of the sick and wounded, as well as with the administration of sanitary formations and establishments, and the chaplains attached to armies, shall be respected and protected under all circumstances. If they fall into the hands of the enemy they shall not be considered as prisoners of war.

These provisions apply to the guards of sanitary formations and establishments in the case provided for in section 2 of article 8.

ARTICLE 10.

The personnel of volunteer aid societies, duly recognized and authorized by their own governments, who are employed in the sanitary formations and establishments of armies, are assimilated to the personnel contemplated in the preceding article, upon condition that the said personnel shall be subject to military laws and regulations.

Each state shall make known to the other, either in time of peace or at the opening, or during the progress of hostilities, and in any case before actual employment, the names of the societies which it has authorized to render assistance, under its responsibility, in the official sanitary service of its armies.

ARTICLE 11.

A recognized society of a neutral state can only lend the services of its sanitary personnel and formations to a belligerent with the prior consent of its own government and the authority of such belligerent. The belligerent who has accepted such assistance is required to notify the enemy before making any use thereof.

ARTICLE 12.

Persons described in articles 9, 10, and 11 will continue in the exercise of their functions, under the direction of the enemy, after they have fallen into his power.

When their assistance is no longer indispensable they will be sent back to their army or country, within such period and by such route as may accord with military necessity. They will carry with them such effects, instruments, arms, and horses as are their private property.

ARTICLE 13.

While they remain in his power, the enemy will secure to the personnel mentioned in article 9 the same pay and allowances to which persons of the same grade in his own army are entitled.

CHAPTER IV.—*Matériel.*

ARTICLE 14.

If mobile sanitary formations fall into the power of the enemy, they shall retain their matériel, including the teams, whatever may be the means of transportation and the conducting personnel. Competent military authority, however, shall have the right to employ it in caring for the sick and wounded. The restitution of the matériel shall take place in accordance with the conditions prescribed for the sanitary personnel, and, as far as possible, at the same time.

ARTICLE 15.

Buildings and matériel pertaining to fixed establishments shall remain subject to the laws of war, but can not be diverted from their use so long as they are necessary for the sick and wounded. Commanders of troops engaged in operations, however, may use them, in case of important military necessity, if, before such use, the sick and wounded who are in them have been provided for.

ARTICLE 16.

The matériel of aid societies admitted to the benefits of this convention, in conformity to the conditions therein established, is regarded as private property and, as such, will be respected under all circumstances, save that it is subject to the recognized right of requisition by belligerents in conformity to the laws and usages of war.

CHAPTER V.—*Convoys of evacuation.*

ARTICLE 17.

Convoys of evacuation shall be treated as mobile sanitary formations subject to the following special provisions:

1. A belligerent intercepting a convoy may, if required by military necessity, break up such convoy, charging himself with the care of the sick and wounded whom it contains.

2. In this case the obligation to return the sanitary personnel, as provided for in article 12, shall be extended to include the entire military personnel employed, under competent orders, in the transportation and protection of the convoy.

The obligation to return the sanitary matériel, as provided for in article 14, shall apply to railway trains and vessels intended for interior navigation which have been especially equipped for evacuation purposes, as well as to the ordinary vehicles, trains, and vessels which belong to the sanitary service.

Military vehicles, with their teams, other than those belonging to the sanitary service, may be captured.

The civil personnel and the various means of transportation obtained by requisition, including railway matériel and vessels utilized for convoys, are subject to the general rules of international law.

CHAPTER VI.—*Distinctive emblem.*

ARTICLE 18.

Out of respect to Switzerland the heraldic emblem of the red cross on a white ground, formed by the reversal of the federal colors, is continued as the emblem and distinctive sign of the sanitary service of armies.

ARTICLE 19.

This emblem appears on flags and brassards as well as upon all matériel appertaining to the sanitary service, with the permission of the competent military authority.

ARTICLE 20.

The personnel protected in virtue of the first paragraph of article 9, and articles 10 and 11, will wear attached to the left arm a brassard bearing a red cross on a white ground, which will be issued and stamped by competent military authority, and accompanied by a certificate of identity in the case of persons attached to the sanitary service of armies who do not have military uniform.

ARTICLE 21.

The distinctive flag of the convention can only be displayed over the sanitary formations and establishments which the convention provides shall be respected, and with the consent of the military authorities. It shall be accompanied by the national flag of the belligerent to whose service the formation or establishment is attached.

Sanitary formations which have fallen into the power of the enemy, however, shall fly no other flag than that of the Red Cross so long as they continue in that situation.

ARTICLE 22.

The sanitary formations of neutral countries which, under the conditions set forth in article 11, have been authorized to render their services, shall fly, with the flag of the convention, the national flag of the belligerent to which they are attached. The provisions of the second paragraph of the preceding article are applicable to them.

ARTICLE 23.

The emblem of the red cross on a white ground and the words *Red Cross* or *Geneva Cross* may only be used, whether in time of peace or war, to protect or designate sanitary formations and establishments, the personnel and matériel protected by the convention.

CHAPTER VII.—*Application and execution of the convention.*

ARTICLE 24.

The provisions of the present convention are obligatory only on the contracting powers, in case of war between two or more of them. The said provisions shall cease to be obligatory if one of the belligerent powers should not be signatory to the convention.

ARTICLE 25.

It shall be the duty of the commanders in chief of the belligerent armies to provide for the details of execution of the foregoing articles, as well as for unforeseen cases, in accordance with the instructions of their respective governments, and conformably to the general principles of this convention.

ARTICLE 26.

The signatory governments shall take the necessary steps to acquaint their troops, and particularly the protected personnel, with the provisions of this convention and to make them known to the people at large.

CHAPTER VIII.—*Repression of abuses and infractions.*

ARTICLE 27.

The signatory powers whose legislation may not now be adequate engage to take or recommend to their legislatures such measures as may be necessary to prevent the use, by private persons or by societies other than those upon which this convention confers the right thereto, of the emblem or name of the Red Cross or Geneva Cross, particularly for commercial purposes by means of trade-marks or commercial labels.

The prohibition of the use of the emblem or name in question shall take effect from the time set in each act of legislation, and at the latest five years after this convention goes into effect. After such going into effect, it shall be unlawful to use a trade-mark or commercial label contrary to such prohibition.

ARTICLE 28.

In the event of their military penal laws being insufficient, the signatory governments also engage to take, or to recommend to their legislatures, the necessary measures to repress, in time of war, individual acts of robbery and ill treatment of the sick and wounded of the armies, as well as to punish as usurpations of military insignia, the wrongful use of the flag and brassard of the Red Cross by military persons or private individuals not protected by the present convention.

They will communicate to each other through the Swiss Federal Council the measures taken with a view to such repression, not later than five years from the ratification of the present convention.

General provisions.

ARTICLE 29.

The present convention shall be ratified as soon as possible. The ratifications will be deposited at Berne.

A record of the deposit of each act of ratification shall be prepared, of which a duly certified copy shall be sent, through diplomatic channels, to each of the contracting powers.

ARTICLE 30.

The present convention shall become operative, as to each power, six months after the date of deposit of its ratification.

ARTICLE 31.

The present convention, when duly ratified, shall supersede the Convention of August 22, 1864, in the relations between the contracting states.

The Convention of 1864 remains in force in the relations between the parties who signed it but who may not also ratify the present convention.

ARTICLE 32.

The present convention may, until December 31, proximo, be signed by the powers represented at the conference which opened at Geneva on June 11, 1906, as well as by the powers not represented at the conference who have signed the Convention of 1864.

Such of these powers as shall not have signed the present convention on or before December 31, 1906, will remain at liberty to accede to it after that date. They shall signify their adherence in a written notification addressed to the Swiss Federal Council, and communicated to all the contracting powers by the said Council.

Other powers may request to adhere in the same manner, but their request shall only be effective if, within the period of one year from its notification to the Federal Council, such Council has not been advised of any opposition on the part of any of the contracting powers.

ARTICLE 33.

Each of the contracting parties shall have the right to denounce the present convention. This denunciation shall only become operative one year after a notification in writing shall have been made to the Swiss Federal Council, which shall forthwith communicate such notification to all the other contracting parties.

This denunciation shall only become operative in respect to the power which has given it.

In faith whereof the plenipotentiaries have signed the present convention and affixed their seals thereto.

Done at Geneva, the sixth day of July, one thousand nine hundred and six, in a single copy, which shall remain in the archives of the Swiss Confederation and certified copies of which shall be delivered to the contracting parties through diplomatic channels.

(Here follow the signatures.)

Pour l'Allemagne:

[L. s.]
[L. s.]
[L. s.]

v. BÜLOW.
FRHR. v. MANTEUFFEL.
VILLARET.
ZORN.

Pour la République Argentine:

[L. s.]
[L. s.]

ENRIQUE B. MORENO.
FRAN^{co}. MOLINA SALAS.

Pour l'Autriche-Hongrie :	
[L. s.]	FRHR. V. HEIDLER. (<i>ad referendum</i>)
Pour la Belgique :	
[L. s.]	C ^{te} J. DE T'SERCLAES.
Pour la Bulgarie :	
[L. s.]	D ^r ROUSSEFF.
[L. s.]	Capitaine SIRMANOFF.
Pour le Chili :	
[L. s.]	AGUSTIN EDWARDS.
Pour la Chine :	
[L. s.]	LOUTSENGTSIANG.
Pour le Congo :	
[L. s.]	C ^{te} J. DE T'SERCLAES.
Pour la Corée :	
[L. s.]	KATO TSUNETADA.
Pour le Danemark :	
[L. s.]	H. LAUB.
Pour l'Espagne :	
[L. s.]	C ^{te} SILVERIO DE BAGUER.
Pour les États-Unis d'Amérique :	
[L. s.]	WM. CARY SANGER.
[L. s.]	C. S. SPERRY.
[L. s.]	GEO. B. DAVIS.
	R. M. O'REILLY.
Pour les États-Unis du Brésil :	
[L. s.]	C. LEMGRUBER-KROPPF.
	C ^{el} . ROBERTO TROMPOWSKI LEITÃO D'ALMEIDA.
Pour les États-Unis Mexicains :	
[L. s.]	JOSÉ M. PEREZ. (<i>ad referendum</i>)
Pour la France :	
[L. s.]	RÉVOIL.
[L. s.]	L. RENAULT.
[L. s.]	S. OLIVIER.
[L. s.]	E. PAUZAT.
Pour la Grande-Bretagne et l'Irlande :	
[L. s.]	JOHN C. ARDAGH.
[L. s.]	T. E. HOLLAND.
[L. s.]	JOHN FURLEY.
[L. s.]	W ^m . GRANT MACPHERSON.
	(<i>avec réserve des articles 23, 27, 28</i>)
Pour la Grèce :	
	MICHEL KEBEDGY.
Pour le Guatemala :	
[L. s.]	MANUEL ARROYO.
[L. s.]	H. WISWALD.
Pour le Honduras :	
	OSCAR HEFFL.
Pour l'Italie :	
[L. s.]	MAURIGI.
[L. s.]	RANDONE.

Pour le Japon:	
[L. s.]	KATO TSUNETADA.
Pour le Luxembourg:	
[L. s.]	C ^{te} J. DE T'SERCLAES.
Pour le Montenegro:	
[L. s.]	E. ODIER. Colonel MÜRSET.
Pour la Norvège:	
	HANS DAAE.
Pour les Pays-Bas:	
[L. s.]	DEN BEER POORTUGAEL.
[L. s.]	QUANJER.
Pour le Pérou:	
[L. s.]	GUSTAVO DE LA FUENTE.
Pour la Perse (<i>sous réserve de l'article dix-huit</i>):	
[L. s.]	MOMTAZ-OS-SALTANEH M. SAMAD KHAN.
Pour le Portugal:	
[L. s.]	ALBERTO D'OLIVEIRA.
[L. s.]	JOSÉ NICOLAU RAPOSO-BOTELHO.
Pour la Roumanie:	
[L. s.]	D ^r SACHE STEPHANESCO.
Pour la Russie:	
[L. s.]	MARTENS.
Pour la Serbie:	
[L. s.]	MILAN ST. MARKOVITCH.
[L. s.]	D ^r ROMAN SONDERMAYER.
Pour le Siam:	
[L. s.]	CHAROON.
[L. s.]	CORRAGIONI D'ORELLI.
Pour la SUÈDE:	
[L. s.]	OLOF SÖRENSEN.
Pour la Suisse:	
[L. s.]	E. ODIER. Colonel MÜRSET.
Pour l'Uruguay:	
[L. s.]	A. HEROSA.
Pour copie, certifiée conforme, Le Secrétaire du Département poli- tique fédéral,	
	GRAFFINA.

BERNE, le 22 août 1906.

[Translation.]

FINAL PROTOCOL OF THE CONFERENCE FOR THE REVISION OF THE
GENEVA CONVENTION.

The Conference called by the Swiss Federal Council, with a view to revising the International Convention of August 22, 1864, for the Amelioration of the Condition of Soldiers wounded in Armies in the field, met at Geneva on June 11, 1906. The Powers hereinbelow

enumerated took part in the Conference to which they had designated the delegates hereinbelow named.

(Names of Countries and Delegates.)

ALLEMAGNE

S. E. M. le chambellan et conseiller intime actuel A. de Bülow, envoyé extraordinaire et ministre plénipotentiaire à Berne,

M. le général de brigade baron de Manteuffel,

M. le médecin-inspecteur, médecin général D^r Villaret (avec rang de général de brigade),

M. le D^r Zorn, conseiller intime de justice, professeur ordinaire de droit à l'Université de Bonn, syndic de la couronne.

RÉPUBLIQUE ARGENTINE

S. E. M. Enrique B. Moreno, envoyé extraordinaire et ministre plénipotentiaire à Berne,

M. Molina Salas, consul général en Suisse.

AUTRICHE-HONGRIE

S. E. M. le baron Heidler de Egeregg et Syrgenstein, conseiller intime actuel, envoyé extraordinaire et ministre plénipotentiaire à Berne,

M. le chevalier Joseph d'Uriel, médecin en chef de l'armée impériale et royale austro-hongroise, chef du corps des officiers sanitaires et chef du 14^{me} département du ministère I. et R. de la guerre,

M. Arthur Edler de Mecenseffy, lieutenant-colonel du corps de l'état-major général,

M. le D^r Alfred Schücking, médecin lieutenant-colonel, médecin en chef de la garnison de Salzbourg.

BELGIQUE

M. le colonel d'état-major comte de T'Serclaes, chef d'état-major de la 4^{me} circonscription militaire,

M. le D^r A. Deltenre, médecin de régiment aux carabiniers.

BULGARIE

M. le D^r Marin Rousseff, directeur du service sanitaire,

M. le capitaine d'état-major Boris Sirmanoff.

CHILI

M. Agustin Edwards, envoyé extraordinaire et ministre plénipotentiaire,

M. Charles Ackermann, consul du Chili à Genève.

CHINE

S. E. M. Lou Tseng Tsiang, envoyé extraordinaire et ministre plénipotentiaire à La Haye,

M. Ou Wen Tai, secrétaire de légation à La Haye,
 M. Yo Tsao Yeu, secrétaire de la mission spéciale de Chine en Europe.

CONGO

M. le colonel d'état-major comte de T'Serclaes, chef d'état-major de la 4^{me} circonscription militaire de Belgique,
 M. le D^r A. Deltenre, médecin de régiment aux carabiniers, de Belgique.

CORÉE

S. E. M. Kato Tsunetada, envoyé extraordinaire et ministre plénipotentiaire du Japon à Bruxelles,
 M. Motojiro Akashi, colonel d'infanterie,
 M. le D^r en médecine Eijiro Haga, médecin principal de 1^{re} classe (avec rang de colonel),
 M. le prince Saneteru Itchijo, capitaine de frégate rang de lieutenant-colonel),
 M. le D^r en droit Masanosuke Akiyama, conseiller au ministère de la guerre du Japon.

DANEMARK

M. Laub, médecin général, chef du corps des médecins de l'armée.

ESPAGNE

S. E. M. Silverio de Baguer y Corsi, comte de Baguer, ministre résident,
 Don José Jofre Montojo, colonel d'état-major, aide de camp du ministère de la guerre,
 Don Joaquin Cortés Bayona, sous-inspecteur de 1^{re} classe du corps sanitaire militaire.

ÉTATS-UNIS D'AMÉRIQUE

M. William Cary Sanger, ancien sous-secrétaire de la guerre des États-Unis d'Amérique,
 M. le contre-amiral Charles-S. Sperry, président de l'école de guerre navale,
 M. le général de brigade George-B. Davis, avocat général de l'armée,
 M. le général de brigade Robert-M. O'Reilly, médecin général de l'armée.

ÉTATS-UNIS DU BRÉSIL.

M. le D^r Carlos Lemgruber-Kropf, chargé d'affaires à Berne,
 M. le colonel du génie Roberto Trompowski Leitão d'Almeida, attaché militaire à la légation des États-Unis du Brésil à Berne.

ÉTATS-UNIS MEXICAINS.

M. le général de brigade José-Maria Pérez.

FRANCE.

S. E. M. Révoil, ambassadeur à Berne,
 M. Louis Renault, membre de l'Institut de France, ministre plénipotentiaire, jurisconsulte du ministère des affaires étrangères, professeur à la faculté de droit de Paris,
 M. le colonel breveté d'artillerie de réserve Olivier,
 M. le médecin principal de 2^{me} classe Pautat.

GRANDE-BRETAGNE ET IRLANDE.

M. le major général Sir John Charles Ardagh, K. C. M. G., K. C. I. E., C. B.,
 M. le professeur Thomas Erskine Holland, K. C., D. C. L.,
 Sir John Furley, C. B.,
 M. le lieutenant-colonel William Grant MacPherson, C. M. G.,
 R. A. M. C.

GRÈCE.

M. Michel Kebedgy, professeur de droit international à l'Université de Berne.

GUATEMALA.

M. Manuel Arroyo, chargé d'affaires à Paris,
 M. Henri Wiswald, consul général à Berne, en résidence à Genève.

HONDURAS.

M. Oscar Hoepfl, consul général à Berne.

ITALIE.

M. le Marquis Roger Maurigi di Castel Maurigi, colonel, grand officier de l'ordre royal des SS. Maurice et Lazare,
 M. le major-général médecin Giovanni Randone, inspecteur sanitaire militaire, commandeur de l'ordre royal de la Couronne d'Italie.

JAPON.

S. E. M. Kato Tsunetada, envoyé extraordinaire et ministre plénipotentiaire à Bruxelles,
 M. Motojiro Akashi, colonel d'infanterie,
 M. le D^r en médecine Eijiro Haga, médecin principal de 1^{re} classe (avec rang de colonel),
 M. le prince Saneteru Itchijo, capitaine de frégate (rang de lieutenant-colonel),
 M. le D^r en droit Masanosuke Akiyama, conseiller au ministère de la guerre.

LUXEMBOURG.

M. le colonel d'état-major comte de T'Serclaes, chef d'état-major de la 4^{me} circonscription militaire de Belgique,
 M. le D^r A. Deltenre, médecin de régiment aux carabiniers, de Belgique.

MONTENEGRO.

M. E. Odier, envoyé extraordinaire et ministre plénipotentiaire de la Confédération suisse en Russie,
M. le colonel Mürset médecin en chef de l'armée fédérale suisse.

NICARAGUA.

M. Oscar Hœpfl, consul général de Honduras à Berne.

NORVÈGE.

M. le capitaine Daae, du corps sanitaire de l'armée norvégienne.

PAYS-BAS.

M. le lieutenant-général en retraite Jonkheer J. C. C. den Beer Poortugael, membre du Conseil d'État,
M. le colonel A. A. J. Quanjer, officier de santé en chef de 1^{re} classe.

PÉROU.

M. Gustavo de la Fuente, premier secrétaire de la légation du Pérou à Paris.

PERSE

S. E. M. Samad Khan Momtaz-os-Saltaneh, envoyé extraordinaire et ministre plénipotentiaire à Paris.

PORTUGAL

S. E. M. Alberto d'Oliveira, envoyé extraordinaire et ministre plénipotentiaire à Berne,
M. José Nicolau Raposo-Botelho, colonel d'infanterie, ancien député, directeur du Royal collège militaire à Lisbonne.

ROUMANIE

M. le Dr Sache Stephanesco, colonel de réserve.

RUSSIE

S. E. M. le conseiller privé de Martens, membre permanent du conseil du ministère des affaires étrangères de Russie,
M. le général major Yermoloff, de l'état-major général de Russie,
M. le conseiller d'Etat actuel, Dr en médecine de Hubbenet,
M. le conseiller d'Etat de Wreden, professeur agrégé à l'Académie impériale de médecine,
M. J. Owtchinnikoff, lieutenant-colonel, professeur de droit international à l'Académie navale de Saint-Pétersbourg,
M. A. Goutchkoff, délégué de la Croix-Rouge.

SERBIE

M. Milan St. Markovitch, secrétaire général du ministère de la justice,

M. le colonel Dr Sondermayer, chef de la division sanitaire au ministère de la guerre.

SIAM

M. le prince Charoon, chargé d'affaires à Paris,
M. Corragioni d'Orelli, conseiller de légation à Paris.

SUÈDE

M. Sörensen, médecin en chef de la 2^{me} division de l'armée.

SUISSE

M. Odier, envoyé extraordinaire et ministre plénipotentiaire en Russie,

M. le colonel Mürset, médecin en chef de l'armée fédérale.

URUGUAY

M. Alexandre Herosa, chargé d'affaires à Paris.

In a series of meetings held from the 11th of June to the 5th of July 1906, the Conference discussed and framed, for the signatures of the Plenipotentiaries, the text of a Convention which will bear the date of July 6, 1906.

In addition, and conformably to Article 16 of the Convention for the peaceful settlement of international disputes, of July 29, 1899, which recognized arbitration as the most effective and at the same time, most equitable means of adjusting differences that have not been resolved through the diplomatic channel, the Conference uttered the following wish:

The Conference expressed the wish that, in order to arrive at as exact as possible an interpretation and application of the Geneva Convention, the Contracting Powers will refer to the Permanent Court at The Hague, if permitted by the cases and circumstances, such differences as may arise among them, in time of peace, concerning the interpretation of the said Convention.

This wish was adopted by the following States;

Germany, Argentine Republic, Austria-Hungary, Belgium, Bulgaria, Chile, China, Congo, Denmark, Spain (ad referendum), United States of America, United States of Brazil, France, Greece, Guatemala, Honduras, Italy, Luxemburg, Montenegro, Nicaragua, Norway, The Netherlands, Peru, Persia, Portugal, Roumania, Russia, Servia, Siam, Sweden, Switzerland and Uruguay.

The wish was rejected by the following States:

Corea, Great Britain and Japan.

In witness whereof the Delegates have signed the present Protocol.

Done at Geneva, the sixth day of July, one thousand nine hundred and six, in a single copy which shall be deposited in the archives of

the Swiss Confederation and certified copies of which shall be delivered to all the Powers represented at the Conference.

(Signatures).

Pour l'Allemagne:

V. BÜLOW.
FRHR. V. MANTEUFFEL.
VILLARET.
ZORN.

Pour la République Argentine:

ENRIQUE B. MORENO.
FRAN^{co}. MOLINA SALAS.

Pour l'Autriche-Hongrie:

BARON HEIDLER-EGEREGG, d. pl.
D^r JOS. RITTER V. URIEL, G. Lieut., délégué adjoint.
ARTUR VON MECENSEFFY, Obstlt., dél. adj.
D^r ALFRED SCHÜCKING, O. St. A., Garnisonchefarzt
von Salzburg, dél. adj.

Pour la Belgique:

C^{te} J. DE T'SERCLAES.
D^r A. DELTENRE.

Pour la Bulgarie:

D^r ROUSSEFF.
Capitaine SIRMANOFF.

Pour le Chili:

AGUSTIN EDWARDS.
CH. ACKERMANN.

Pour la Chine:

LOUTSENGTSIANG.
OU WENTAI.
YOTSAOYEU.

Pour le Congo:

C^{te} J. DE T'SERCLAES.
D^r A. DELTENRE.

Pour la Corée:

KATO TSUNETADA.
Colonel M. AKASHI.
Prince ITCHIJO.
M. AKIYAMA.

Pour le Danemark:

H. LAUB.

Pour l'Espagne:

C^{te} DE BAGUÉR.
JOSÉ JOFRE MONTOJO.
JOAQUIN CORTÉS Y BAYONA.

(*ad referendum*).

Pour les Etats-Unis d'Amerique:

W^m. CARY SANGER.
C. S. SPERRY.
GEO. B. DAVIS.
R. M. O'REILLY.

Pour les États-Unis du Brésil:

C. LEMGRUBER-KROPP.
Colonel ROBERTO TROMPOWSKI LEITÃO D'ALMEIDA.

Pour les États-Unis Mexicains :	JOSÉ M. PÉREZ.
Pour la France :	RÉVOIL. L. RENAULT. S. OLIVIER. E. PAUZAT.
Pour la Grande-Bretagne et l'Irlande :	JOHN C. ARDAGH. T. E. HOLLAND. JOHN FURLEY. W. G. MACPHERSON.
Pour la Grèce :	MICHEL KEBEDGY.
Pour le Guatémala :	MANUEL ARROYO. H. WISWALD.
Pour le Honduras :	OSCAR HEPFL.
Pour l'Italie :	MAURIGI. G. RANDONE.
Pour le Japon :	KATO TSUNETADA. Col. M. AKASHI. Prince ITCHIJO. M. AKIYAMA.
Pour le Luxembourg :	C ^{te} J. DE T'SERCLAES. D ^r A. DELTENRE.
Pour le Montenegro :	E. ODIER. Colonel MÜRSET.
Pour le Nicaragua :	OSCAR HEPFL.
Pour la Norvège :	HANS DAAE.
Pour les Pays-Bas :	DEN BEER POORTUGAEL. QUANJER.
Pour le Pérou :	GUSTAVO DE LA FUENTE.
Pour la Perse :	M. SAMAD KHAN.
Pour le Portugal :	ALBERTO D'OLIVEIRA. JOSÉ NICOLAU RAPOSO-BOTELHO.
Pour la Roumanie :	D ^r SACHE STEPHANESCO.
Pour la Russie :	MARTENS. YERMOLOFF. V. DE HUBBENET. J. OWTCHINNIKOFF.

Pour la Serbie :

MILAN ST. MARKOVITCH.
D^r ROMAN SONDERMAYER.

Pour le Siam :

CHAROON.
CORRAGIONI D'ORELLI.

Pour la Suède :

OLOF SÖRENSEN.

Pour la Suisse :

E. ODIER.
Colonel MÜRSET.

Pour l'Uruguay :

A. HEROSA.

Pour copie, certifiée conforme, Le Secrétaire du Département politique fédéral,

GRAFFINA.

BERNE, le 22 août 1906.

And whereas it is provided by its Article 30 that the said convention shall become effective, as to each Power, six months after the date of the deposit of its ratifications;

And whereas the ratifications of the said Convention on the part of the United States was deposited with the Government of the Swiss Confederation on February 9, 1907;

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

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this third day of August, in the year of our Lord one thousand nine hundred and seven, and [SEAL] of the Independence of the United States of America the one hundred and thirty-second.

THEODORE ROOSEVELT

By the President:

ROBERT BACON

Acting Secretary of State.

DEPORTATION OF PERSONS MERELY CHARGED WITH CRIME.

File No. 5144/-1.

The Swiss Minister to the Secretary of State.

LEGATION OF SWITZERLAND,

Washington, March 14, 1907.

DEAR SIR: I have the honor to transmit to your excellency the copy of a letter addressed by the Swiss consulate in New York to the Hon. Rob. Watchorn, United States Commissioner of Immigration on Ellis Island, New York, requesting that one Charles Alphonse Leuba, a

passenger on *La Touraine*, of Havre on March 9, and a Swiss fugitive from justice, be detained on Ellis Island and returned to Switzerland on account of embezzlement of more than 1,500 francs.

Mr. Bertschmann, the Swiss consul in New York, asks this legation to sustain and recommend his request in case that appeal from the special board of inquiry should be taken.

I should be very thankful if your excellency would kindly forward the inclosed copy to the United States Commissioner-General of Immigration and inform him of the facts above mentioned.

Accept, etc.,

VOGEL.

[Inclosure.]

The Swiss consul at New York to the United States Commissioner of Immigration.

NEW YORK, March 12, 1907.

DEAR SIR: I have the honor to inform you that I received from my Government a cablegram to the following effect:

"Charles Alphonse Lueba, commissioner, originating from Buttes, 22 years of age, prosecuted on account of embezzlement of more than 1,500 francs, committed in Neuchatel during January and February, 1907, by collecting money for Henry Grin, his employer; escaped and took passage on steamer *La Touraine*, off Havre, on Saturday, March 9, for New York, in second cabin, under the name of Charles Leuba. Detention and deportation with money through immigration authorities requested, and your report anticipated in due time. Warrant follows. Description of Leuba, to wit, about 5 feet 10 inches, medium stout, blonde, eyes blue, teeth decayed, eyelids red."

Referring to the above, there is for the present nothing else for me to do in the premises than to ask you, honorable sir, to kindly comply with the request.

Accept, etc.,

J. BERTSCHMANN.

File No. 5144/-1.

The Acting Secretary of State to the Swiss Minister.

DEPARTMENT OF STATE,
Washington, March 16, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 14th instant, with which you transmit a copy of a letter addressed by the Swiss consulate in New York to the United States Commissioner of Immigration at Ellis Island requesting that one Charles Alphonse Leuba, a passenger on *La Touraine*, which sailed from Havre on March 9, and a Swiss fugitive from justice, be detained at Ellis Island and returned to Switzerland on account of embezzlement of more than 1,500 francs. You request that a copy of the Swiss consulate's letter be forwarded to the United States Commissioner-General of Immigration in order that he may be informed of the facts.

In reply, I have the honor to advise you that the immigration laws of the United States provide for the deportation of fugitives who have been convicted of crime, but not for those who have merely been charged with crime and fled to this country. Accordingly, the department considers that they are inapplicable in the present instance, as it would appear that the fugitive Leuba is merely charged with embezzlement.

The appropriate course to be pursued would seem to be the initiation of regular proceedings in extradition under the existing convention between the United States and Switzerland, by directing the Swiss consul at New York, or other properly authorized representative of your Government, to appear before a United States commissioner in extradition, obtain a warrant for the arrest of the fugitive, and proceed in the matter in accordance with the provisions of section 5270 of the Revised Statutes of the United States.

A copy of your note and of the department's reply thereto has been sent to the Department of Commerce and Labor to be placed before the United States Commissioner-General of Immigration.

Accept, etc.,

ROBERT BACON.

TURKEY.

EQUAL TREATMENT FOR AMERICAN INSTITUTIONS.

[CONTINUED FROM FOREIGN RELATIONS, 1906, PAGES 1372-1395.]

File No. 4960/8.

Ambassador Leishman to the Secretary of State.

[Extract.]

No. 190.]

AMERICAN EMBASSY,
Constantinople, February 22, 1907.

SIR: With further reference to my dispatch No. 189^a, of the 21st instant, concerning the present status of our missions in the Ottoman Empire, I have the honor to inform you that I to-day laid the matter before the Sultan and left with him the copies of the notes and memoranda in Turkish of our recent correspondence with the Porte. I also had occasion to enlighten His Majesty with respect to the justice of our position in demanding equality of treatment, and that while we asked for no more we could accept no less. The Sultan, who listened attentively, assured me that our matters would receive his urgent attention and that he would examine these questions the next day with the grand vizier with a view to their immediate settlement. I therefore have good reason to hope that our questions may be finally and definitely regulated. After three years of patient efforts with the Porte, whose final approval has at last been secured, and after having succeeded in laying these matters before the personal attention of His Majesty, I feel as if all means of diplomatic action were now exhausted and that my present task was at an end.

I have, etc.,

JOHN G. A. LEISHMAN.

File No. 4960/9-12.

Ambassador Leishman to the Secretary of State.

No. 197]

AMERICAN EMBASSY,
Constantinople, March 4, 1907.

SIR: In my dispatch No. 190 of the 22d ultimo I had the honor to inform you of my audience with the Sultan on that day (inclosure No. 1) when His Majesty expressed his intention to consult the grand vizier about our pending questions with a view to their immediate settlement. I was informed by His Majesty that a definite reply would be given me upon the following day, when the first dragoman of the embassy was asked to call at the palace in order to receive it.

^a Not printed.

The dragoman having called was told by His Majesty's first secretary, Tahsin Pasha, that it would be necessary to make certain inquiries of the cabinet ministers, a special meeting of whom had been called for February 26, and that the reply would be forthcoming on February 27. In view of this I judged it a favorable opportunity to send to the palace, in a Turkish translation for transmission to His Imperial Majesty, a memorandum on cotton-seed oil (inclosure No. 2), which I have added to our demands on the regulation of the mission questions. While the questions of mission properties and cotton-seed oil are of course entirely distinct, yet both have arisen through the denial of equality of treatment guaranteed us by the treaties, and involving as they do questions of principle, are both of the greatest importance. I am therefore endeavoring to press for their simultaneous settlement, whereas our other matters with the Porte can properly be allowed to take their normal course.

On February 27 the embassy dragoman, calling at the palace, was again put off until March 2, with positive assurances that no further delay would occur. But on Saturday, March 2, he was informed that the promised reply would be given on March 5.

Under the circumstances and in view of such repeated delays I have to-day sent a memorandum to Tahsin Pasha, for immediate transmission to His Majesty (inclosure No. 3). The embassy dragoman, who handed it personally, returned with the positive assurance that the promised reply will be given to-morrow, March 5. In any case, however, the purpose of the memorandum will be answered in establishing responsibility for the delay. As I have had the honor to inform you, our matters are now out of the hands of the Sublime Porte and in the palace. And while I have hitherto deemed it expedient to lay the entire blame for obstruction on the Sultan's immediate counsellors and thus to screen His Majesty, the next few days will probably be enlightening as to the advisability of longer showing such consideration.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.]

(Substance of Mr. Leishman's conversation with His Imperial Majesty on Friday, February 22, 1907. A copy of this in Turkish was left with His Majesty.)

Certain difficulties have arisen that I find myself forced to bring to the attention of Your Majesty, and I respectfully beg leave to speak frankly to Your Majesty upon the matter.

The first concerns the question of equality of treatment of American religious, educational, and charitable institutions in Turkey. On August 13, 1904, the Sublime Porte, at the command of Your Majesty, addressed a note informing me "que vu les relations cordiales qui existent si heureusement entre les deux Etats il n'est jamais entré dans l'intention du Gouvernement Imperial de traiter sur un pied différentiel les écoles, les institutions, et les citoyens des Etats-Unis dans l'Empire."

All that is now demanded is the execution of this gracious promise of Your Imperial Majesty.

After several years of patient effort upon the part of the embassy, mazbattas recommending the change in tenure of titles of certain properties belonging to American religious, educational, and charitable institutions which have been in existence for many years were finally sent to the palace for imperial sanction, but although several months have since elapsed no action has yet been taken.

By the benevolent act of Your Imperial Majesty, religious, educational, and charitable institutions throughout the Empire, whether native or foreign, are exempted from taxation, and in order to properly establish the ownership it is necessary to register the title deeds in the name of the several institutions; and in order to put the promise of Your Majesty into practical execution, placing American institutions upon the same basis as other similar institutions, the several departments have favorably recommended such action to Your Majesty.

No request for the establishment of any new institution is embodied in the present demand, as the matter in question concerns institutions which have been in existence for many years, whose legal existence was recognized in the settlement reached with the Sublime Porte in August, 1904, and included in the list filed at the request of the Sublime Porte in February, 1903, the request for recognition of new schools, etc., subsequently established having been applied for in the manner prescribed by Your Imperial Majesty's Government, which have been allowed to take their regular course.

The second question concerns a case of discrimination against American agricultural products.

Through some error of drafting the regulations of the "loi sur les analyses chimiques," a discriminating clause was inserted (art. 19) which operates to the disadvantage of American cotton-seed oil, which can not now be corrected without the express sanction of Your Imperial Majesty.

All that is asked in this case is that cotton-seed oil, which is a perfectly pure and wholesome vegetable product and admitted as such in every country of the world, be placed upon exactly the same footing as sesame and other similar oils.

I can not believe that Your Majesty would for a moment sanction the action of any official withholding from American citizens the equality of treatment guaranteed by treaties, and with full confidence in the justice and wisdom of Your Imperial Majesty I respectfully beg that imperial orders be issued that will cause the prompt regulation of our pending affairs and prevent any further discrimination in the future, as I would regret having to report to my Government that the equality of treatment guaranteed by treaties had been refused.

[Inclosure 2.]

MEMORANDUM ON COTTON-SEED OIL HANDED TO HIS EXCELLENCY TAH SIN PASHA, FOR TRANSMISSION TO HIS IMPERIAL MAJESTY FEBRUARY 26, 1907.

Cotton-seed oil, although a comparatively new product, is a pure and healthy vegetable oil which has been generally introduced within recent years in all parts of the world, the higher grades being used as a substitute for lard for cooking purposes as well as for general domestic consumption, while the more ordinary grades are used for soap and other manufactures.

Analysis as well as general use shows it to be as healthy as other vegetable oils, and its purity as well as its cheapness recommends its use in preference to the ordinary grades of butter.

As comparatively little cotton is grown outside of the United States, with the exception of what is grown in the Ottoman Empire, where the utilization of the seed has not as yet been introduced, cotton-seed oil may very correctly be considered as a strictly American product, and the official reports of the Agricultural Department show that the world at large appreciates this new article of food.

Although this oil is largely used for the preservation of sardines and other articles of food introduced into Turkey, the direct importation has practically been prohibited by the regulations in the proposed law relating to chemical analysis, which can only be viewed as differential treatment and contrary to treaty agreements.

The American Government has certainly no intention of raising any objection to any action taken by the Imperial Ottoman Government with a view of protecting its citizens from impure or unhealthy food products, and in fact its own laws which prevent the sale of impure or adulterated food are well calculated to assist His Imperial Majesty's Government in such a laudable action.

Of course it is well known that all vegetable oils, no matter how pure they may be originally, may become rancid and unfit for household use by long

exposure to heat and other causes, but this should not operate against them, as the same could be said of butter and other similar products, and for this reason an inspection of all food products is desirable and warrants the established practice of a chemical examination at the port of entry.

The American Government asks for no special treatment and raises no objection to the same requirements as to purity, etc., being applied to cotton-seed oil as are specified for other similar oils. All that is demanded is that cotton-seed oil be admitted upon exactly the same footing as sesame and other vegetable oils.

It is impossible for the embassy to comply with the request that 40 okes of cotton-seed oil be furnished for analysis, as no importations have been permitted for over a year past, nor would such a procedure appear necessary, as according to the regulations mentioned each consignment is examined upon arrival, and inferior grades intended for manufacture can readily be distinguished by the accompanying documents, and may be treated with soda, potash, or other suitable chemicals that will absolutely prevent its being used for domestic consumption without injuring its use for manufacturing purposes.

In view of the fact that in the Ottoman Empire the importation of tinned fish is not restricted, although the main ingredient to preserve these articles is cotton-seed oil, it would seem to indicate that the restrictions imposed on this staple in Turkey are directed specifically against its importation from the United States and that the entry of an article preserved or even adulterated with cotton-seed oil is permitted when shipped from other countries. It is thus unnecessary to call attention to the inconsistency of the claim that the present regulations have been made for sanitary reasons.

[Inclosure 3.]

MEMORANDUM FROM THE AMERICAN AMBASSADOR TO HIS EXCELLENCY THE FIRST SECRETARY OF THE IMPERIAL PALACE.

The American ambassador, on Friday, February 22 last, had the honor of being received by His Imperial Majesty the Sultan, when he brought to His Majesty's personal attention the fact that certain legitimate demands of his Government were withheld in spite of their being strictly confined to rights and privileges guaranteed by treaties and repeatedly reaffirmed by the Sublime Porte, where they had been examined and approved by the competent departments. His Majesty, with whom the ambassador left copies of the correspondence covering the matter in question, graciously expressed his intention to see his highness the grand vizier with reference thereto upon the following day, and the ambassador was asked to send the first dragoman of the embassy to the imperial palace on Sunday, February 24, to receive a definite reply. Upon the appointed day the dragoman, having called on his excellency the first secretary, was informed that the promised reply would be given after the special meeting of the cabinet ministers at the imperial palace on Tuesday, February 26, and that he was to call at the palace on Wednesday, February 27, to receive it. On Wednesday, however, the dragoman was again put off until Saturday, March 2, with repeated assurances that no further delay would occur. Calling on his excellency on Saturday, he was informed that the promised reply would be given on Tuesday, March 5.

The ambassador has too high a regard for the lofty sentiments and high sense of justice of His Majesty and for the value of the imperial promise to suppose that it has been the august sovereign's intention to delay this decision for a single instant. He can only infer that the same influences which had already stood in the way of these matters reaching the imperial person, have again interfered and prevented the carrying into effect of His Majesty's promise.

In view, therefore, of his sincere desire to contribute to the best of his ability toward continuing the friendly relations which have so happily existed between the two Governments, and in order to prevent any misinterpretation being placed upon this delay, the ambassador begs his excellency the first secretary to at once lay the contents of this communication before his august sovereign. The ambassador would indeed deem himself remiss in the high charge entrusted to him and would regard it as incompatible with the feeling of deep respect he entertains for His Imperial Majesty, if under the circumstances he failed to lay the full aspects of this matter before his august person.

AMERICAN EMBASSY,

Constantinople, March 3, 1907.

File No. 4690.

Ambassador Leishman to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

AMERICAN EMBASSY,
Constantinople, March 5, 1907.

(Refers to previous correspondence regarding the present status of questions pending with Turkey, their importance being due to their involving the principle of equality of treatment guaranteed by treaty. States that the rights of the United States were plainly admitted in 1904, but their practical execution had been withdrawn, and that the embassy consequently prepared certain test cases and, after almost three years, succeeded in having the Porte act favorably thereon. Says that he had an audience with the Sultan on February 22, and explained that the United States sought only for equality of treatment, and that the Sultan promised a definite reply on February 24, which has not been received by the embassy. Adds that he will seek another audience. Desires department to telegraph if it approves ambassador continuing his very conservative course.)

File No. 4960.

The Acting Secretary of State to Ambassador Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 6, 1907.

(Mr. Bacon refers to the embassy's telegrams the 5th, and states that the repeated and apparently chronic delay and evasiveness in fulfilling the promises from time to time made by His Majesty the Sultan and by the Porte have always tended to excite regret and dissatisfaction on the part of this Government, and their continuance now, especially after the cordial assurance given the embassy by His Majesty on the 22d, could not fail to cause an unfavorable impression on the mind of the President, who has on several occasions testified to the Sultan his lively interest in the settlement of these matters, as befits the good will this country bears to Turkey and the friendly relations of the two countries. Says Mr. Leishman should impress this feature of the matter strongly upon His Majesty in the audience he contemplates asking.)

File No. 4960/8.

The Acting Secretary of State to Ambassador Leishman.

No. 163.]

DEPARTMENT OF STATE,
Washington, March 15, 1907.

SIR: I have to acknowledge the receipt of your dispatch of the 22d ultimo, reporting your interview with the Sultan on the same day, regarding equal treatment of American institutions, and stating that

if further obstacles to the fulfillment of His Majesty's promises arise you will ask the department for further instructions.

In view of the telegrams exchanged March 5 and 6, the department will await the result of your request for another audience of His Majesty.

I am, etc.,

ROBERT BACON.

(See also correspondence, Increase of Turkish Customs Duties, following.)

INCREASE OF TURKISH CUSTOMS DUTIES.

File No. 4960.

Ambassador Leishman to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Constantinople, April 1, 1907.

(States that he has just been confidentially informed that the Sublime Porte, acting upon the theory which has been advanced by the German ambassador that the treaty rights of the United States do not place us on the same footing in Turkey as the great European powers, has decided to increase the Turkish customs duties from 8 to 11 per cent without consulting the Government of the United States; that the contention is that, since the 5 per cent duty which was stipulated in the old capitulations was not specifically mentioned in our treaty of 1830, the United States is entitled only to their interpretation of most-favored-nation treatment, which means that every time the European powers choose to abandon any of their rights in return for consideration we should likewise be obliged automatically to cede ours without even being consulted with regard to them. Mr. Leishman states that for us to admit this would be a dangerous precedent which would sap the very foundation of our capitulation rights, judicial and commercial, and would be an acquiescence and recognition on our part of differential treatment; that our rights in this matter are based not only on the treaty of 1830 wherein they are implied, but also on the English Convention of 1838 (see Hertslet Treaties and Conventions, vol. 5, p. 506), the benefits of which by an agreement with the Sublime Porte were extended to us in the following year (see Porter's dispatch No. 24, of November 20, 1839, to the department); that, after the denunciation in 1884 by the Turkish Government of the commercial treaty which was concluded in 1862 in default of a new convention, it would seem that we possessed the right to return to the status quo ante; that by Article I of this convention of 1838 all privileges, rights, and immunities granted by the capitulations and existing treaties were forever confirmed, while any rights which may be given later to other powers were equally granted; that in the additional articles of this convention the import duty of 5 per cent was further specifically mentioned; that this was also mentioned in the treaty of 1841 concluded between Turkey and Hamburg, Lubeck, and Bremen, the benefits of which must have been extended, of course, to us; that, having been thus in clear possession of certain specific rights, these could not be taken from us later without our consent only by violating treaties.)

File No. 4960.

The Acting Secretary of State to Ambassador Leishman.

[Telegram—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 3, 1907.

(Acknowledges telegram of the 1st instant, and informs him that the department has sent a telegram to London to ascertain whether the British Government has formed any opinion as to Turkey's contention, which appears to subordinate the commercial interests of unconsulted favored-nation powers, including several minor European states, to the accord of the Berlin treaty powers.)

File No. 4960/21.

Ambassador Leishman to the Secretary of State.

[Telegram—Paraphrase.]

AMERICAN EMBASSY,
Pera, April 10, 1907.

(Reports that there was a meeting to-day of the European concert, which adopted the following compromise proposal: The arrangements which precede and bind the Ottoman Government to the signatory powers can in no case dispense the Sublime Porte from asking the consent of the other powers before this increase can be put into execution. Mr. Leishman states that this is fairly satisfactory, though less forcible than the British proposal. Says that the Sublime Porte will now be obliged to consult us for the customs increase; that, foreseeing that matters were reaching this point, he yesterday sent a note to the minister for foreign affairs in which he formulated our five main demands: First, the change in the tenure of deeds of title of American institutions; second, the permission to erect buildings at Cesarea; third, the granting of customs immunities at Beirut; fourth, the removal of discriminating restrictions against cotton-seed oil; and, fifth, the recognition of the American consular courts as alone competent to decide as to the legal heirs of a citizen of the United States. States that the first three questions carry out the desire of the President that American institutions be placed on equal footing with those of other powers, that the fourth prevents discrimination against American commerce, and the fifth recognizes our jurisdiction. States that this is a good opportunity for us to secure the settlement of these questions, which have been so long pending, by refusing to consent to a customs increase until the settlement is made. This will mean the obtaining by diplomatic and peaceful expedients of what could otherwise only be obtained with great difficulty. Says that he considers it important that he be authorized to inform the Sublime Porte that we will not allow the customs increase to be imposed on American imports until these questions are settled.)

File No. 4960/23.

The Acting Secretary of State to Ambassador Leishman.

[Telegram.—Paraphrase.—Extract.]

DEPARTMENT OF STATE,
Washington, April 13, 1909.

(Mr. Bacon informs Mr. Leishman that he is authorized to say to the Turkish Government that the consent of the United States to the customs increase will depend upon the satisfactory adjustment of the questions now pending; that the first, second, and third demands are covered by the President's desires and the repeated promises of Turkey; that the fourth is a commercial equivalent for the tariff concession and should be pressed as a fair and rational demand. The fifth condition would virtually involve Turkey yielding in principle her long contention under article 4, unless narrowed to precise technical point stated by him (Mr. Leishman), namely, the recognition of the competency of the consular courts to decide who are the legal heirs of an American decedent; if necessary to an agreement it might be stated to be without prejudice to any other jurisdictional question between the two Governments. If this point is omitted in order to come to an agreement, it should be distinctly stated that its omission is without prejudice to the reservation by the United States of all jurisdictional rights under treaty and capitulations. In other words it should not be waived, but left open.)

File No. 4960/54.

Ambassador Leishman to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Pera, May 3, 1907.

(No. 42. Refers to his telegram of April 10 and the department's telegraphic instructions of April 13, and states that he has received a note from the Sublime Porte which says that, in reply to the different communications addressed by him to the Sultan concerning certain affairs discussed between the imperial ministry and the American embassy, he is informed that in compliance with a mazbata of the council of ministers sanctioned by irade of His Imperial Majesty, the Sultan, the Sublime Porte has decided as follows:

Firstly, that the Sublime Porte has by imperial order already communicated to the embassy the decision reached previously of treating American institutions and establishments in Turkey on the same footing as those of other nations; that, in applying this principle, the Sublime Porte has proceeded to correct the registers of such institutions and establishments which form part of the list filed by the embassy which were occupied by and in the possession of Americans, but without regular deeds of title; and that an irade of His Imperial Majesty the Sultan has just ordered the execution of this formality so far as it concerns the institutions and establishments of which the embassy had requested the change of titles and which were submitted

to the sovereign sanction after an examination by the competent departments. Secondly, that the necessary orders have been transmitted already to the vilayet of Angora so that the local authorities should not raise objections to the construction of new buildings to be added to the school and dispensary at Talas. Thirdly, that the customs authorities at Salonica and in Syria have also received orders to grant to the existing American institutions and establishments the legal régime of customs immunities enjoyed by other similar foreign establishments; and, fourthly, that the department of indirect contributions has been requested to apply the method of coloring cotton-seed oils only when they are impure or adulterated. States that the above notice was signed TEWFIK.

Asks if, in view of these concessions, the department authorizes him to give our adhesion to the customs increase. Says that the representatives of all the great European powers have already signed.)

File No. 4960/54.

The Secretary of State to Ambassador Leishman.

[Telegram.—Paraphrase.—Extract.]

DEPARTMENT OF STATE,
Washington, May 4, 1907.

(Refers to Embassy's No. 42 of May 3, and informs him that he is authorized to give the adhesion of this Government to customs increase.)

File No. 4960/64-68.

Ambassador Leishman to the Secretary of State.

[Extract.]

No. 265.]

AMERICAN EMBASSY,
Constantinople, May 15, 1907.

SIR: With further reference to my several dispatches on the subject of the customs increase, I have the honor to confirm the note of the Sublime Porte contained in my telegraphic dispatch No. 42 of the 3d instant, stating the different concessions made in settlement of our demands (inclosure No. 1). It has been agreeable for me to have enjoyed the privilege of contributing to the task of placing American rights in the Ottoman Empire on a footing of equality with those of other nations, and I beg to heartily thank the department for the support and aid it has given the embassy in effecting this.

The settlement thus far obtained recognizes for the first time the official existence of American missions in the Ottoman Empire, and the principle secured is of far more importance than the concessions themselves. While I am glad that injustice has been corrected in the case of the Syrian customs immunities and the new buildings at Talas, Cesarea. The precedent established in the recognition of our mission is one of far greater importance, and I am thankful that it has been effected by purely diplomatic means. It has likewise been agreeable for me to have been instrumental in aiding our commercial

interests by securing the entry into Turkey of cotton-seed oil. The correction of titles has not yet been put into execution. The imperial irade to this effect had been sent to the Sublime Porte for transmission to the archives, but the director thereof found himself unable to obey, not having the title deeds describing the properties in question. These had been sent to the palace, where the Sultan's secretary refused to surrender them without another irade. As further delay would have been occasioned to obtain this, the simplest solution was found to be for the embassy to furnish new copies of all the title deeds, a proceeding which has required considerable labor on our part. There have been other instances of difficulty. The first instructions sent to the customs authorities at Beirut only extended the immunities to the college and its affiliated institutions, all of which were already recipients of such privileges. I was therefore obliged to take up the matter vigorously at the capital, and I am glad to say that it has now been corrected. Lately I heard that the necessary orders had been issued to the customs at Beirut that all American institutions in Syria were officially recognized and were henceforth to be accorded the immunities, very much to the gratification of the missionaries in Syria, as evidenced by Mr. Ravndal's telegram (inclosure No. 2). And yesterday I was the recipient of a testimonial signed by the officers of the annual meeting of the Western Turkey Mission, now sitting here, expressing appreciation for the "far-reaching settlement" effected by the embassy, a copy of which is inclosed (inclosure No. 3).

On May 3 I received a note from the Sublime Porte, a copy of which, with translation, I also have the honor to inclose (inclosure No. 4), requesting the adhesion of the embassy to the proposed customs increase.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Ambassador Leishman.

No. 68775.]

SUBLIME PORTE,
MINISTRY FOR FOREIGN AFFAIRS,
Constantinople, May 3, 1907.

MR. AMBASSADOR: In reply to the different communications which your excellency was good enough to address to me relative to certain affairs discussed between the imperial ministry and the American embassy I have the honor to state that, in compliance with a mazbata of the council of ministers sanctioned by irade of His Imperial Majesty the Sultan, the Sublime Porte has already by imperial order communicated to the embassy the decision previously reached of treating American establishments in Turkey on the same footing as those of other nations. In applying this principle, the Sublime Porte having proceeded to the correction of the registers of establishments and institutions forming part of the list filed by the embassy which were in possession of and occupied by Americans holding regular title deeds, an irade of His Imperial Majesty the Sultan has just ordered the execution of this formality so far as concerns the establishments and institutions of which the embassy had asked the change of titles and which were submitted to the sovereign sanction after examination by the competent department. 2. The necessary orders have already been transmitted to the Vilayet of Angora in order that the local authorities should no longer raise objections to the construction of new buildings to be added to the school and the dispensary at Talas. 3. The customs authorities in Syria and at Salonica have likewise received orders to grant exist-

ing American establishments and institutions the legal régime of customs immunities enjoyed by the other similar foreign establishments. 4. The department of indirect contributions has been requested to apply the method of coloring cotton oils only when they are impure or adulterated.

In bringing the above to your notice I take occasion, etc.,

TEWFIK.

[Inclosure 2.]

Consul-General Ravndal to Ambassador Leishman.

[Telegram.]

AMERICAN CONSULATE-GENERAL,
Beirut, May 13, 1907.

Customs director here has received a telegram from Constantinople that all American establishments in Syria have been officially recognized and that they must be accorded immunities. Americans here rejoicing, including myself. Send you hearty felicitations and thanks.

RAVNDAL.

[Inclosure 3.]

Testimonial of the officers of the Western Turkey Mission to Ambassador Leishman.

AMERICAN BIBLE HOUSE,
Constantinople, May 14, 1907.

SIR: Your letter of May 8 addressed to Mr. Peet, in which you report the substance of action taken by the Sublime Porte concerning rights and immunities which have just been by irade of His Imperial Majesty the Sultan extended to American citizens and to their educational and other work in this Empire, has been read to our meeting now convened in this city.

We are directed on behalf of the meeting and of our associates in this Empire to express to you our most hearty thanks for the satisfactory note which through your efforts has lately been obtained from the Sublime Porte in evidence of a settlement placing American citizens and institutions on an equality with those of other nations. We are aware that the settlement of this important case has entailed a great amount of labor and careful thought on the part of both yourself and your staff, and its accomplishment represents a large measure of industry and devotion in its behalf.

We are confident that the same interest which you have thus far manifested and which has achieved for us this far-reaching settlement will also secure the vigorous maintenance of our rights until the work so well begun is entirely completed.

Again assuring you of our sincere gratitude,

We are, etc.,

GEORGE F. HERRICK, *Chairman.*
JOSEPH K. GREENE, *Secretary.*
W. W. PEET
M. BOWEN
EDWARD RIGGS } *Committee.*

[Inclosure 4.—Translation.]

The Minister for Foreign Affairs to Ambassador Leishman.

SUBLIME PORTE,
MINISTER FOR FOREIGN AFFAIRS,
Constantinople, May 3, 1907.

The ministry for foreign affairs has the honor to inform the American ambassador that as a result of the negotiations passed between the Sublime Porte and the German, Austro-Hungarian, French, British, Italian, and Russian em-

bassies, an agreement has been reached for an increase of 3 per cent in the customs duties, such measure going into effect the 25th of June of this year. In bringing the foregoing facts to the notice of the American embassy, the minister for foreign affairs trusts that the embassy will kindly adhere to the above agreement, until such time as a new commercial treaty will permit commercial relations between the two countries being established upon a definite basis.

File No. 4960/63.

Ambassador Leishman to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

AMERICAN EMBASSY,
Pera, May 27, 1907.

No. 46. Reports that the agreements of the Sublime Porte concerning the granting of customs immunities and the removal of building restrictions at Cesarea have been put into practical execution. States that before admitting our formal adhesion to the customs increase, he will try to secure a satisfactory adjustment of some other questions. Says that the French Chamber of Commerce has expressed appreciation of our efforts in securing the removal of restrictions of cotton-seed oil. Adds that this American product is handled largely through Marseille and that France expects that its use will now be considerably extended.

File No. 4960/69-72.

Ambassador Leishman to the Secretary of State.

[Extract.]

No. 277.]

AMERICAN EMBASSY,
Constantinople, May 28, 1907.

SIR: With further reference to my several dispatches on the subject of the customs increase and the settlement of our pending questions thereby effected, I have the honor to transmit to you the copies of the embassy's recent notes to the Porte in regard to these matters.

The assurances contained in the Porte's note of the 3d instant were not put into immediate execution. Certain delays occurred. Before acknowledging the note I therefore deemed it wise to await the carrying out of the different measures. The news that this had been done came in slowly from the various places affected. On the 15th instant I had the pleasure of informing the department with regard to the extension of customs immunities to our missions in Syria. More recently I have been apprized by our consular agent at Salonica that similar orders had been received in that city, while from Talas-Cesarea our missionaries have just notified me that they have begun work on their new buildings.

There was another point to consider. The Porte's note of the 3d instant was not altogether explicit.

Under these circumstances the better course appeared for the embassy itself to interpret the Porte's note, and to transmit such interpretation to the minister for foreign affairs, informing him at the

same time that should no exception be taken thereto within a period of one week from the note's reception, it would consider that the meaning it had attached was the correct one. In so doing (see inclosure No. 1), I took the liberty of stating to the Porte that I was acting under the directions of my Government, which was very anxious to be enlightened on several points. I trust that this action may commend itself to your approval.

The note in question as interpreted by the embassy ought to serve as a ground for the maintenance of our rights on an equal footing with those of the most favored nation both with regard to our missions and to our commerce. For in connection with the entry of cotton-seed oil I inserted the words that "no discrimination will be exercised to the prejudice of any American product." It should further make manifest that together with the Great European powers which enjoy the ancient capitulations, we too have a right to be consulted in the event of any alteration of existing conditions as well as in settling what the new conditions are to be.

To this note was appended what I officially called "a revised copy of the list of 1903 of American institutions established in the Ottoman Empire." The department will remember the circumstances which attended the filing of the list of 1903. This list had been compiled without the then legation being in a position to verify it.

I therefore caused a new one to be prepared, which I am glad to say has been approved by Mr. Peet, the treasurer of the American Mission Boards. This list includes some 20 new institutions, established since the filing of the original one. It further condenses the first list to about 140, by grouping together several establishments wherever these exist in one locality and often in one compound.

On May 27, a week having elapsed since the transmission of my previous note to the Porte interpreting their regulations of our pending questions, I addressed a new dispatch to the minister for foreign affairs (inclosure No. 2), informing him of the pleasure it was for me to be able to notify the Department of State that the views of our two Governments were in such perfect accord, and intimating that as soon as the remaining points were disposed of my Government would give its friendly attention to the consideration of the Porte's note requesting our adhesion to the customs increase.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.]

Ambassador Leishman to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Constantinople, May 17, 1907.

MR. MINISTER: I have the honor to acknowledge the receipt of the note which your excellency has had the kindness to address to me under date of May 3, numbered 68775, reaffirming the imperial decree issued in 1904 recognizing the legal standing of existing American religious, educational, and charitable institutions established in the Ottoman Empire, as indicated in the list filed with the Sublime Porte in February, 1903. I am especially pleased to note the renewed assurances your excellency has been good enough to give me by order of His Imperial Majesty that such institutions will participate in the same rights, privileges, exemptions, and immunities enjoyed by similar institutions under the protection of the most favored nation.

In furtherance of this it is agreeable for me to learn from your excellency that the imperial orders have been given to the competent departments to make the desired correction in tenure of title of properties owned and occupied by such institutions upon presentation of the proper title deeds, and that whenever such deeds of American properties may be presented to the Sublime Porte, the correction of the registers from the name of the individual hitherto holding them in trust to that of the institution in question will at once be effected. In order, however, to avoid any future misunderstanding with reference to the institutions intended to be embraced in the present settlement, I have the honor to annex hereto a revised copy of the list of 1903 of American institutions established in the Ottoman Empire whose legal existence and rights enjoyed by other similar religious, educational, and charitable institutions the embassy understands has, by imperial decree, been officially recognized.

I am also pleased to learn from your excellency that the imperial orders have been sent to the local officials of the vilayet of Angora, instructing them to refrain from offering any further interference in the construction of the new buildings intended for the use of the American mission at Talas-Cesarea, for which permission was obtained in accordance with established practice, and further that instructions have been sent to the customs authorities in Syria and Salonica to recognize the right of American institutions established in these districts to receive, the same as is everywhere else the case in the Ottoman Empire, like immunities as are enjoyed by those of other nations.

I am further pleased to learn from your excellency that the department of indirect contributions has been instructed to apply the coloring matter mentioned in the new regulations in connection with cotton-seed oil only in case of impure oil, such as is used for manufacturing purposes. This the embassy understands to be a practical removal of the discriminations complained of in its note of February 26, 1907, and that hereafter cotton-seed oil will be freely admitted into the Ottoman Empire under the same conditions as other vegetable oils, and that in fulfillment of our treaty rights no discrimination will be exercised to the prejudice of any American product.

The embassy also understands that by virtue of an imperial decree imperative orders have been issued to the proper departments to at once take the necessary steps to execute the agreement regarding the question of inheritance of American citizens as evidenced in the note of the Sublime Porte under date of October 5, 1903, No. 54634/27.

In conclusion, I have the honor to beg your excellency to kindly inform me if the interpretation given by the embassy to the note of the Sublime Porte has in any way failed to correspond with your excellency's intentions, as my Government desires to be enlightened on this point. Should I fail to hear from you within the next week regarding this, I will take pleasure in informing my Government that I have been fortunate enough to correctly interpret your excellency's thoughts.

I take, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 2.]

LIST OF AMERICAN RELIGIOUS, EDUCATIONAL, AND CHARITABLE INSTITUTIONS ESTABLISHED IN THE OTTOMAN EMPIRE.

American College in Beirut, commonly known as the "Syrian Protestant College."

American College in Roumelie Hissar, Constantinople, commonly known as "Robert College."

American Bible House, Stamboul, Constantinople.

American School of Archaeology at Jerusalem.

American College for Girls, Scutari, Constantinople.

American mission at Talas-Cesarea (girls' school, hospital, and dispensary).

Kindergarten, Boys' School (residences).

American College at Tarsus (residences).

American mission at Salonica (church and residence).

American Agricultural and Industrial Institute at Salonica.

American mission at Van (boys' school, girls' school, hospital, and dispensary, chapel, residences, orphanage).

American mission at Adana (girls' school, residences).

American mission at Smyrna (American college, collegiate institute, for girls, church, residences, kindergarten, school).

American mission at Marash (theological seminary, girls' college, residences, orphanage).

American mission at Sivas (girls' school, boys' school, chapel, school, residences, orphanage).

American mission at Trebizond (school, residences).

American mission at Mardin (hospital and dispensary, theological seminary, girls' school, boys' school, residences).

American mission at Sis (girls' boarding school, residence, school, chapel).

American mission at Hadjin (industrial school, boys' school, girls' school, residences, orphanage).

American mission at Ak-Hissar (school and chapel).

American mission at Magnesia (school and chapel).

American mission at Endemish (school and chapel).

American mission at Aintab (Central Turkey College, girls' school, three primary schools, hospital, residences, orphanage).

American mission at Aleppo (church and school).

American mission at Antioch (church and school).

American mission at Beylan (church and school).

American mission at Betias (church and school).

American mission at Geraish (church and school).

American mission at Jibbin (church and school).

American mission at Kessab (girls' school, residences).

American mission at Ourfa (school and chapel, orphanage, residence).

American mission at Bitlis (girls' school, orphanage, residence).

American mission at Derdevank (school for boys and girls).

American mission at Mogounk (school for boys and girls).

American mission at Moush (two schools for boys and girls).

American mission at Toukh (school for boys and girls).

American mission at Erzeroum (two schools for boys and girls, hospital and dispensary, residence, orphanage).

American mission at Broussa (girls' boarding school and orphanage, residences, chapel).

American mission at Baghtchedjik (boys' school, orphanage, residences).

American mission at Harput (American College, chapel, theological seminary, orphanage, hospital and dispensary, residences).

American mission at Bourdour (school and chapel).

American mission at Marsovan (American College, girls' school, industrial school, theological seminary, orphanage, hospital and dispensary, residences).

American mission at Gurun (school and chapel, orphanage).

American mission at Tokat (chapels and school, residences).

American mission at Guedic Pasha, Constantinople (school).

American mission at Monastir (girls' school, orphanage, residence).

American mission at Biledjik (residence and chapel).

American mission at Panderma (residence and chapel).

American mission at Midyat (residences).

American mission at Beirut (girls' school, press and book depository, church, theological seminary, cemetery, three common schools, residences).

American mission at Sidon (academy and industrial school, girls' seminary, high school, church and school, six common schools, residences).

American mission at Tripoli (girls' seminary, chapel, boys' boarding school, two common schools).

American mission at Tripoli el Mina (hospital, church and manse, school).

American mission at Suk-Ul-Gharb (boys' boarding school, church, residence, two schools).

American mission at Abeih (boys' high school, residence and manse, church and girls' school, two schools).

American mission at Shweir (dispensary, boys' boarding school, residence, church, school and manse, three schools).

American mission at Miyah Wa Miyah (orphanage, industrial farm, school).

American mission at Ma'am Altain (hospital and dispensary, school).

American mission at Hasbeya (church, manse and school, common school).

American mission at Rasheyet el Fokhar (church and school, common school).

American mission at Baalbek (school and manse, common school).

American mission at Deir el Gazelle (school and manse, common school).

American mission at Ras Baalbek (school and manse, common school).

- American mission at Muallaket Zahleh (church and school, common school).
 American mission at Aitanith (school, common school).
 American mission at Jedeitha (church and two schools).
 American mission at Meshghara (school, two common schools).
 American mission at Sughbin (school and manse, common school).
 American mission at Kob-Elias (manse, two common schools).
 American mission at Ain Kunyer (church and manse, common school).
 American mission at Mejdal Shems (school and manse, two common schools).
 American mission at Mahardeh (school and manse, common school).
 American mission at Hums (church, school and manse, four common schools).
 American mission at Fairouzi (school and manse, common school).
 American mission at Judeidah (church, manse, school, high school for girls, residence, four common schools).
 American mission at Deir Minas (church, manse and school, two common schools).
 American mission at Ibl-es-Soki (church and school, common school).
 American mission at Ul-Khiyam (church, manse, and school, common school).
 American mission at Khirbeh (school).
 American mission at Alma (church, school and manse, common school).
 American mission at Khareibeh (school, common school).
 American mission at Beino (church and manse, common school).
 American mission at Minyara (church and school).
 American mission at Sheikh Muhammed (church, manse, school).
 American mission at Burj Safita (church and manse, two common schools).
 American mission at El Yazidieh (school and manse, common school).
 American mission at Ghurzuz (school and manse, common school).
 American mission at Magdoosheh (school and manse, common school).
 American mission at Mejdaluna (church, common school).
 American mission at Jun (church and manse).
 American mission at Aleih (church, two common schools).
 American mission at Aramoon (church, common school).
 American mission at Ain Zehaltah (church and school, common school).
 American mission at Bhamdun (church).
 American mission at Deir-el-Kamar (church and two schools, two common schools).
 American mission at Dibbiyeh (school and manse, common school).
 American mission at Shemlan (church).
 American mission at Zahleh (church, school, manse, residence, three common schools).
 American mission at Kufeir (common school).
 American mission at Housh Barada (common school).
 American mission at Kefr Zebad (common school).
 American mission at Shlifa (common school).
 American mission at Tulya (two common schools).
 American mission at Karaoun (two common schools).
 American mission at Hama (two common schools).
 American mission at Im Doulab (common school).
 American mission at Dibl (common school).
 American mission at El-Bussa (common school).
 American mission at Beit Shebat (common school).
 American mission at Bterram (common school).
 American mission at Enfeh (two common schools).
 American mission at Jezziz (common school).
 American mission at Berta (common school).
 American mission at Salhiyeh (common school).
 American mission at Kaituly (common school).
 American mission at Kurayyeh (common school).
 American mission at Jemaliyeh (common school).
 American mission at Komatiyeh (common school).
 American mission at Ain Ainub (two common schools).
 American mission at Baaklin (two common schools).
 American mission at Ghareefeh (common school).
 American mission at Metulleh (common school).
 American mission at Bshamun (common school).
 American mission at Deir Kobel (common school).
 American mission at Rishmaya (two common schools).
 American mission at Shweifat (two common schools).

American mission at Ain Sindianeh (common school).
 American mission at Khunshareh (common school).
 American mission at Kefr Akab (common school).
 American mission at Hadeth (common school).
 American mission at Latakia (boys' boarding school, girls' boarding school, church, hospital, and dispensary).
 American mission at Mersine (boys' boarding school).
 American mission at Suweidiyeh (boys' school, girls' school).
 American mission at Bahamra (school and manse).
 American mission at Jendairia (preaching place).
 American mission at Gunamia (school).
 American mission at Tartas (school).
 American mission at Ramallah (girls' boarding school, boys' boarding school, school, four common schools).
 American mission at Tayyibeh (common school).
 American mission at Jena (common school).
 American mission at Ain Areek (common school).
 American mission at Jerusalem (school).

[Inclosure 3.]

Ambassador Leishman to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
 Constantinople, May 27, 1907.

MR. MINISTER: I have the honor to inform your excellency of the pleasure it gives me to be able to report to the Department of State that the views of our two Governments, as conveyed to the embassy in the Sublime Porte's note No. 68775, of the 3d instant, and as acknowledged in the embassy's note No. 893 of the 17th instant, are in such perfect accord, and that His Imperial Majesty's orders have been sent to the competent departments throughout the Empire. I hope your excellency will before long enable me to inform my Government with regard to the final regulation of the question referred to in my note No. 871 of the 8th ultimo. I also trust sincerely that the Sublime Porte will not delay to give a satisfactory solution which will relieve me from the necessity of informing the Department of State of the unpleasant incident at Konia referred to in my No. 894 of the 18th instant. I need not assure your excellency how agreeable it will then be for me to find myself able to report to Washington that no further obstacles stand in the way of my Government's devoting its friendly attention to the consideration of the Porte's note No. 68780/73 of the 3d instant.

I take, etc.,

JOHN G. A. LEISHMAN.

File No. 4860/64-68.

The Secretary of State to Ambassador Leishman.

[Extract.]

No. 215.]

DEPARTMENT OF STATE,
 Washington, June 7, 1907.

SIR: I have to acknowledge the receipt of your confidential dispatch No. 265, of the 15th ultimo, confirming the note of the Sublime Porte contained in your telegraphic dispatch No. 42, of the 3d ultimo, and inclosing correspondence relating to the Turkish Government's recognition of American treaty rights, and a note from the foreign office requesting your embassy's assent to the proposed increase of 3 per cent in the customs duties.

The department highly appreciates and commends what you have accomplished.

I am, etc.,

E. Root.

File No. 4960/77.

Ambassador Leishman to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Yenikeny, June 15, 1907.

No. 48. Referring to the fifth demand in his telegram of April 10, reports the satisfactory settlement of the Manoukian case,^a which has been so long pending, and which involved the recognition by the Sublime Porte of our consular courts as alone competent to decide as to legal heirs of an American citizen.

File No. 4960/77.

The Secretary of State to Ambassador Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, June 17, 1907.

Acknowledges Mr. Leishman's No. 48, expresses appreciation, and extends congratulations.

File No. 4960/69-72.

The Acting Secretary of State to Ambassador Leishman.

No. 225.]

DEPARTMENT OF STATE,
Washington, June 28, 1907.

SIR: I have the honor to acknowledge the receipt of your dispatch No. 277, of the 28th ultimo, transmitting two notes addressed by you to the Sublime Porte with the intention of placing on record a definite statement of the concessions granted to American institutions and cotton-seed interests, and intimating that as soon as the remaining details were disposed of the United States would give consideration to the Porte's request that it acquiesce in the proposed 3 per cent increase in the customs duties.

Congratulating you upon your wise management of this important and difficult negotiation, and with high appreciation of your services in having brought it to a successful issue.

I am, etc.,

ALVEY A. ADEE.

SETTLEMENT OF THE MANOUKIAN ESTATE.

(RECOGNITION OF THE COMPETENCY OF AMERICAN CONSULAR COURTS ALONE TO DETERMINE LEGAL HEIRS OF AN AMERICAN CITIZEN.)

File No. 6107/1-4.

Ambassador Leishman to the Secretary of State.

No. 301.]

AMERICAN EMBASSY,
Constantinople, June 17, 1907.

SIR: In reply to your instruction No. 196 of April 29 last^b (file No. 6107), I have the honor to inform you of the settlement in favor

^a See following subject.^b Not printed.

of Leon H. Manoug (or Manoukian) of the question long at issue concerning the disposal of his father's estate.

The department will remember this case, which has been dragging for several years. John Manoukian, an American citizen, naturalized prior to 1869, whose citizenship was recognized by the Turkish Government, had died intestate, and our consular court at Constantinople decreed that his legal heir was his son, Leon Manoukian. The father had, however, been living for some time past with his servant, a woman named Aghavni Papazian, who after his death obtained a fraudulent marriage certificate from the Armenian Catholic patriarchate, and on the strength of this secured a decision from the Ottoman "sheri," or religious court, giving her a claim to the estate, which she thus succeeded in attaching. Further complications ensued from her transferring her alleged portion to a third party, who in turn mortgaged it. The legation, after making urgent representations with the Sublime Porte in this matter, succeeded in obtaining recognition of the competence of our consular court alone to decide who are the legal heirs of an American citizen, but the Porte was unable to constrain the department of imperial archives to issue the title deeds of the estate, which had been withheld from the legal heir. The matter thus remained in *statu quo*, owing to the conflict in authority between the Sublime Porte and the "sheri" court, or, in other words, between the civil and the religious authorities.

In the meantime the woman, Aghavni Papazian, had taken possession of an apartment house in Constantinople belonging to Leon Manoukian, and refused to vacate the same on the ground of her being joint heir and coproprietor with the son of the deceased. The embassy again called the Porte's attention to this and repeated its previous request that the necessary title deeds be at once issued to the real heir (inclosure No. 1). It further included this question as the fifth demand in its note No. 870, of April 8. No answer was made to this in the Porte's note of May 3 last, which settled the other four pending questions. Repeated inquiries at the Porte elicited the information that it had been sent to the grand vizier, who, being in partial disfavor and desiring to evade all responsibility, passed it over to the council of state. Thence it was sent to the Sheikh ul Islam, who is at the head of the religious courts. As the question concerned a recognition on the latter's part of the incompetency of his own court, I caused efforts to be made to remove him from the decision of this matter. It then reverted to the grand vizier, who, although willing to regulate it, experienced fresh obstacles at the hands of the director of the imperial archives, who, taking the part of the sheri court, averred that the affair was one concerning real estate. Fresh representations, however, succeeded in overcoming this obstruction, and I am pleased to be able to transmit to the department a translation of the note which I have received from the minister for foreign affairs, and to further inform it that the title deeds have been issued to Manoukian.

This is especially agreeable to me, not only because an injustice has thus been corrected, but for the important principle involved in the recognition of the jurisdiction of our consular courts as alone competent to decide who are the legal heirs of an American citizen.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.]

*Ambassador Leishman to the Minister for Foreign Affairs.*AMERICAN EMBASSY,
Constantinople, April 8, 1907.

MR. MINISTER: I have the honor to refer your excellency to the correspondence in the well-known case of the estate of John Manoukian, deceased, and more especially to the Sublime Porte's note No. 54634/27, of the 5th of October, 1903, which states that in conformity with the demand of the embassy, the American consular court was recognized competent to decide who are the heirs of a deceased American citizen. The American embassy deeply regrets that up to this date the Sublime Porte has not yet put into execution its solemn undertakings in this matter.

The woman, Aghavni Papasian, encouraged by the inexplicable inaction of the Sublime Porte, which has not even acknowledged receipt of this embassy's (the legation's) No. 502, of the 7th of February, 1905, has, according to official information furnished to the embassy, entered by ruse into the apartment house situated at Rue Chaksouver belonging to Leon Manoukian, the son and only heir of the above-mentioned John Manoukian, deceased, and installed herself in the house, claiming herself joint heir to the deceased and coproprietor with Leon Manoukian.

The American embassy finds itself obliged to again ask the Sublime Porte to immediately cause title deeds to be issued in the name of the said Leon Manoukian, and also for one-eighth of any mulk properties in which the said woman, Aghavni Papasian, through well-known means had obtained title deeds from the department of imperial archives, claiming herself as the widow of the deceased American citizen.

The embassy also asks that immediate measures be taken to at once turn the above-mentioned Aghavni out of a house to which she has no right whatsoever. This embassy has further to hold the imperial Ottoman Government responsible for any and all consequences resulting from the failure of the Sublime Porte to execute its obligations.

I take, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 2.—Translation.]

*The Minister for Foreign Affairs to Ambassador Leishman.*SUBLIME PORTE,
MINISTRY FOR FOREIGN AFFAIRS,
Constantinople, June 13, 1907.

In reply to the note No. 871, of April 8 last, which your excellency has been good enough to send me, I have the honor to inform you that by a decision of the council of state (civil section) the Defterhane has been requested to annul its previous action with regard to the estate left by John Manoukian, in accordance with the judgment rendered by the sheri court in favor of Aghavin Payrasian, and to correct the registration of the real property improperly registered in her name.

TEWFIK.

File No. 6107/1-4.

The Acting Secretary of State to Ambassador Leishman.

No. 245.]

DEPARTMENT OF STATE,
Washington, August 8, 1907.

SIR: I have to acknowledge the receipt of your No. 301, of June 17 last, reporting the settlement in favor of Leon H. Manoug, or Manoukian, of the long-pending question concerning the disposal of his father's estate.

The department is gratified at the satisfactory termination of this case, the settlement of which is in a great measure due to your energy

and tact. It is also gratified at the recognition of the principle involved in the decision, namely, that United States consular courts are alone competent to decide who are the legal heirs of an American citizen.

I am, etc.,

ROBERT BACON.

CITIZENSHIP OF NICHOLAS AND THEODORE S. THEODORE.

File No. 9871/-11.

Chargé Brown to the Secretary of State.

[Extract.]

No. 471.]

AMERICAN EMBASSY,
Constantinople, November 2, 1907.

SIR: I have the honor to submit herewith^a copies of recent correspondence in regard to the complaints of Nicholas and Theodore S. Theodore against the Turkish authorities of Mytilene for violation of an alleged American domicile.

Both brothers claim citizenship by right of birth in the United States after the naturalization of their father, and possess passports from the State Department, dated July 7, 1906. Both have lived in Turkey since early childhood, though Theodore asserts having been in the United States from 1902 to 1906. They have evidently established their business in Mytilene, that of butchers, and apparently can not with justice claim domicile in the United States. One of them, Theodore, evidently speaks but little English, and this is probably true of Nicholas, who does not appear to have been to the United States since childhood. In 1904 he was charged with smuggling in Mytilene, and the embassy at that time declined to issue him a passport, though willing to facilitate his departure for the United States.

I would respectfully submit whether it may or may not be fairly presumed that the Theodore brothers have virtually established their domicile in Turkey and assimilated themselves into the original nationality of their father, who, in 1876, resumed his residence in Turkey with his family, only a few years after his naturalization.

I have, etc.,

PHILIP BROWN.

File No. 9871/-11.

The Acting Secretary of State to Chargé Brown.

No. 302.]

DEPARTMENT OF STATE,
Washington, December 20, 1907.

SIR: The department has received your dispatch No. 471, of the 2d ultimo, relative to the claim to American protection of Nicholas and Theodore S. Theodore. They were, it appears, born in this country, and their father was a naturalized citizen of the United States, of Turkish origin. They have resided for many years in Turkey and have claimed protection as American citizens. I inclose

^a Inclosures not printed.

a copy of the application^a upon which a passport, No. 17978, was issued by the department to Theodore S. Theodore July 7, 1906, he being at that time at New Orleans, La., the place of his birth.

So far as the Government's attitude is concerned, the status of their father is not material. Being born in the United States they were born citizens thereof. The extraterritorial jurisdiction which this Government claims in Turkey requires the United States to claim the right of protection and jurisdiction over citizens who are resident in Turkey, unless there be some act of such citizens amounting to expatriation. It is not believed that the facts so far developed establish such expatriation.

Therefore, unless other facts are developed which show that the Theodore brothers are within the provisions of the expatriation act of March 2, 1907, or the executive orders issued thereunder, you will deal with them as American citizens.

I am, etc.,

ROBERT BACON.

**OPENING BY TURKISH AUTHORITIES OF MAIL ADDRESSED TO
AMERICAN MISSIONARIES.**

File No. 9757. •

The Secretary of State to Chargé Brown.

No. 287.]

DEPARTMENT OF STATE,
Washington, November 13, 1907.

SIR: I inclose a copy of a letter in which the foreign secretary of the American Board of Commissioners for Foreign Missions requests the department to endeavor to prevent the opening by Turkish officials of the mail of American missionaries.

You are requested to remind the Sublime Porte of its assurances given in 1892, and the positive orders which it issued in the latter part of April of that year not to detain letters addressed to Americans. (See Foreign Relations, 1892, p. 561.)

I am, etc.,

E. ROOT.

[Inclosure.]

The foreign secretary of the American Board of Commissioners for Foreign Missions to the Secretary of State.

AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS,
Boston, November 5, 1907.

SIR: From different parts of the Turkish Empire reports are coming to us announcing that the local officials of the Turkish Government have again begun opening the letters of our American missionaries, which are properly sealed and properly stamped for transmission through the mails. We understand that from the beginning our Government has insisted that the private mails of Americans shall be inviolate. It is evident that if the Turkish Government is permitted thus to open the letters of some of our American missionaries they will quickly assume the right to open all, and thus they will render the mail service of Turkey practically useless to us. I would therefore, on behalf of this board, respectfully ask that this matter receive the immediate attention of the State Department, in order that American interests in Turkey may be prop-

erly guarded and their rights as American citizens not infringed upon in order to satisfy the curiosity of the Turkish local officials.

The infringements to which I refer occurred recently in relation to the mail of Doctor Underwood, our missionary at Erzroom, eastern Turkey, and the mail of Mr. Clark, our missionary at Monastir, in European Turkey. There may be other cases reported.

I remain, etc.,

JAMES L. BARTON.

File No. 9757/1.

The Acting Secretary of State to Chargé Brown.

No. 297.]

DEPARTMENT OF STATE,
Washington, November 26, 1907.

SIR: Referring to the department's instruction No. 287 of the 13th instant, transmitting a copy of a letter from the American Board of Commissioners for Foreign Missions, in regard to the tampering of Turkish officials with mail addressed to American missionaries in Turkey, I inclose for your information a letter on the subject from the Acting Postmaster-General, to whose department Mr. Barton's letter was also communicated.

I am, etc.,

ROBERT BACON.

[Inclosure.]

The Acting Postmaster-General to the Secretary of State.

OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., November 21, 1907.

SIR: I have the honor to acknowledge the receipt of your communication of November 14, 1907, No. 9757, transmitting a complaint from the Rev. James L. Barton, foreign secretary of the American Board of Commissioners for Foreign Missions, No. 14 Beacon street, Boston, Mass., concerning irregularities in relation to the treatment in Turkey of ordinary letters mailed in the United States and addressed to American missionaries.

Mr. Barton refers particularly to the unlawful opening of ordinary letters addressed to Doctor Underwood, Erzroom, eastern Turkey, and Mr. Clarke, Monastir, European Turkey, stating that these irregularities have occurred recently.

A communication has been addressed to Mr. Barton, asking that he furnish particulars of the mailing, and if possible the envelopes of the ordinary letters which are alleged to have been improperly opened. Upon receipt of this data the postal administration of Turkey will be requested to make suitable investigation at the offices to which the letters were directed; and it will be suggested that individual statements be obtained from the addressees, submitting proof that their letters have been opened at the Turkish post-offices.

In reply to your inquiry whether, under the Postal Union conventions, any inquiry through the postal administration is proper, or is likely to give satisfactory results, I beg to inform you that complaints of a similar character to those submitted by Mr. Barton have been previously received, and it is the practice of this department to present the facts in such cases to whatever foreign postal administration may be concerned, believing that some remedial action will be taken.

This department is inclined to assume that the Turkish authorities will take steps to prevent the unlawful opening of letters on the part of postmasters, or other Turkish officials having access to the international mails, forwarded to that country, more particularly as the sanctity of the seal is a matter of universal importance and appears to be so considered by every administration of the Postal Union.

Respectfully,

F. H. HITCHCOCK.

File No. 9757/4-5.

Chargé Brown to the Secretary of State.

No. 493.]

AMERICAN EMBASSY,
Constantinople, November 29, 1907.

SIR: I have the honor to acknowledge your instruction No. 287 of the 13th instant (file No. 9757), in reference to the opening by Turkish officials of the mail of American missionaries.

I have already had occasion to unofficially call the attention of the Ottoman postal authorities to abuses in this respect, and in compliance with your instructions I have this day addressed a formal note to the minister of foreign affairs (as per inclosure), reminding the Sublime Porte of its assurances in 1892, and the positive orders which it issued in the latter part of that year, that letters addressed to Americans should not be detained.

I have, etc.,

PHILIP BROWN.

[Inclosure.]

Chargé Brown to the Minister for Foreign Affairs.

No. 943.]

AMERICAN EMBASSY,
Constantinople, November 29, 1907.

MR. MINISTER: I have the honor to inform your excellency that it is complained by American missionaries residing in Turkey that their mail is often opened and subjected to long delay in delivery.

Acting under the instructions of my Government, I would respectfully remind the Imperial Ottoman Government of the assurances given by the Sublime Porte to the legation in 1892 in this regard, and of the positive orders issued the latter part of April of the same year that letters addressed to Americans should not be detained.

I am confident that such instances of abuse as alluded to have been without the knowledge of the superior postal authorities, and that necessary steps will be promptly taken to guard against further interference with private mail by subordinate officials.

I take, etc.,

PHILIP BROWN.

**REMOVAL OF RESTRICTIONS ON AMERICAN PATENT MEDICINES
IMPORTED INTO TURKEY.**

File No. 7523.

Ambassador Leishman to the Secretary of State.

No. 308.]

AMERICAN EMBASSY,
Constantinople, June 22, 1907.

SIR: I have the honor to inform you that among the matters which the embassy has recently succeeded in settling has been the admission of certain American patent medicines, the entry of which had previously been forbidden in Turkey. I have just received a note from the ministry for foreign affairs informing me that the former restrictive regulations with regard thereto have now been removed.

I have, etc.,

JOHN G. A. LEISHMAN.

EXTRADITION PROCEDURE.

File No. 6766/18.

Ambassador Leishman to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Pera, October 3, 1907.

(Reports that the extradition of Levan Kritichian, now held by the New York police commissioner, has been requested by the minister for foreign affairs. States that Kritichian is charged with being implicated in the murder of Apik Effendi, the rich Armenian, referred to in Vartanian correspondence, who was killed for refusing to donate money to the Armenian revolutionary committee. Says that Kritichian is also charged with complicity in attempted assassination of the Sultan two years ago, for both of which crimes he has been condemned by default by the Ottoman authorities.)

File No. 6766/18.

The Acting Secretary of State to Ambassador Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, October 5, 1907.

(Informs Mr. Leishman that under the extradition treaty of 1874 request for extradition should be made by the Turkish minister here, or in his absence, by superior consular officer; directs him to see article 5. States that in order that a fugitive may be legally held some person representing the Ottoman Government, such as the Turkish consul-general at New York, should appear at once before the extradition magistrate and swear out a warrant on information and belief, charging the fugitive with a crime which is extraditable by treaty; that fugitive will then be held for a reasonable time to await the arrival of formal extradition papers. Instructs him to see section 5270 of the Revised Statutes for full method of procedure and to so inform the minister for foreign affairs, and state that since condemnation by default is not recognized in the United States, a fugitive in this condition is in the same situation as a fugitive merely charged with crime, and that if extradition is desired in this case, the application must be supported, as in all applications where the fugitive has not been convicted, by a copy of the warrant of arrest and evidence sufficient to make out prima facie case against fugitive. Says that surrender for trial can take place only upon the charge contained in the application papers. Adds that if more offenses than one, even though of the same character, have been committed, the papers should cover all charges upon which the fugitive is to be tried.)

PROTECTION OF AMERICAN CITIZENS AGAINST ACTS OF
BRIGANDAGE.

File No. 189/8-10.

Ambassador Leishman to the Secretary of State.

No. 298.]

AMERICAN EMBASSY,
Constantinople, June 12, 1907.

SIR: With further reference to my dispatch No. 285, of the 4th instant,^a relative to recent cases of brigandage in Turkey, I now have the honor to inclose a petition which has reached me on this subject, signed by American residents in Smyrna and transmitted to me by our consul in that city, together with the copy of a note I have sent to the Sublime Porte on this subject. In connection herewith I would state that as the matter appears to me to pertain to the internal condition of the Ottoman Empire, I did not feel warranted in going further than I have done, and I trust that the tenor of my note may commend itself to the approval of the department.

The evil of brigandage is one to which Turkish subjects are far more exposed than foreigners, as the brigands are aware of the fact that the same energetic steps will not be taken in case of the capture of the former. While it is unfortunate that the general conditions of security in Turkey are not what they ought to be, at the same time it can not be said that any American business interests are imperiled, as liability to capture is chiefly confined to residents on farms in isolated country districts. As the matter, however, has of late assumed greater proportions, it seems probable that the Turkish authorities will again take energetic steps with a view to its suppression. Already they appear to have done so, and have lately captured the brigand chief who had taken Baron van Heemstra (mentioned in my previous dispatch on this subject), and have recovered some Lt. 1,600 of the ransom, which was found upon the chief's person.

I have, etc.,

JOHN G. A. LEISHMAN.

[Inclosure 1.]

Petition of American citizens in Smyrna to Consul Harris.

SMYRNA, *May 30, 1907.*

SIR: We, the undersigned members of the American colony, having in mind the danger from murderous bands of brigands infesting the Vilayet of Aiden, who frequently attack persons having business in the interior if such person venture beyond the actual confines of the cities, do now therefore request that you communicate with his excellency the American ambassador at Constantinople and expose these facts.

In the official position which you hold you will doubtless have been apprised of the frightful atrocities lately perpetrated in the Odemish district on innocent peasants by bands of brigands. You will recall the murder of a peaceful farmer and the capture of his two nephews near Kuluk last year, the capture of the manager of the Baltazzi Chiflik within twelve months, and the premium put upon brigandage by the recent payment of a heavy ransom to prevent the murder and obtain the release of a young Dutch farmer quietly pursuing his vocation near Smyrna.

^a Not printed.

Aside from brigandage, the Vilayet is composed of a peaceable and law-abiding community, who are principally merchants and farmers, but business is seriously hampered by the numerous bands of brigands, and little or no effort is put forth by the Turkish authorities to exterminate this evil.

We do therefore request that a copy of this petition be forwarded to the American ambassador and also to the President of the United States, and we herein do petition the representative of our Government in Turkey to demand from the Sublime Porte that all brigands be caught and hung or forced to leave the country without delay. And we do further request that the President of the United States will give his official support to the efforts of the American ambassador in our behalf.

We believe similar petitions are being sent to their diplomatic representatives by other foreign colonists residing in and about Smyrna.

We are, etc.,

E. J. DAVES.
F. BLACKLER.
RUFUS W. LANE.
J. D. LANGDON.
ALEXANDER MARAVIAS.
ANTHONY F. PROSSEN.
M. E. LAMBICHY.
C. W. LAWRENCE.
CHARLES K. TRACY.
S. L. CALDWELL.
ANTONY F. BINSON.
JOHN H. OFFLEY.

[Inclosure 2.]

Ambassador Leishman to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Constantinople, June 12, 1907.

MR. MINISTER: I have the honor to call your excellency's notice to the recurrence of numerous acts of brigandage in the Vilayet of Aiden, which have of late disturbed the peace of that province, and to request your excellency to be so good as to bring to the attention of the competent departments of the Imperial Government the urgent advisability of taking the proper steps to remedy this evil, which is equally detrimental to Ottoman subjects and to foreigners. While it is agreeable for me to bear witness to the energetic zeal which has distinguished certain of His Majesty's officers, and notably General Said Pasha, in their efforts to suppress the brigands and to the recent success in capturing the brigand chief, who had taken Baron Van Heemstra, I trust that in the interest of the entire community these efforts may speedily be followed up by further measures directed against the brigand bands, in order that general tranquillity and security may again be restored to the vilayet and that the normal conditions favorable to commerce may once more be enjoyed by Americans resident therein.

I take, etc.,

JOHN G. A. LEISHMAN.

File No. 189/8-10.

The Acting Secretary of State to Ambassador Leishman.

No. 227.]

DEPARTMENT OF STATE,
Washington, July 2, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 298, of the 12th ultimo, transmitting a petition of American residents of Smyrna that you demand the suppression of brigandage in Turkey, and inclosing a copy of your note on the subject to the Sublime Porte.

Your action in the matter is approved by the department. It is desirable, where ground may exist for apprehending acts of brig-

andage against American citizens or property, to emphasize in advance the duty and responsibility of the Turkish Government to use its police authority to prevent such acts. By so doing sound basis is laid for claiming due redress if proper protection be not afforded.

I am, etc.,

ROBERT BACON.

RESTRICTIONS ON THE IMPORTATION OF TYPEWRITING MACHINES.

File No., 6655.

The Acting Secretary of State to Ambassador Leishman.

No. 1077.]

DEPARTMENT OF STATE,

Washington, April 28, 1906.

SIR: The department incloses herewith copy of a letter from the president of the Smith Premier Typewriter Company, of New York City, under date of the 24th instant, protesting against the customs requirements of the Turkish Government as respects the importation of typewriters. It is alleged that a certificate is required to the effect that the machine is for the personal use of the buyer, thereby making it so difficult to do business in that country as to practically amount to a prohibition.

You are instructed to bring this matter of burdensome restrictions on an important branch of our export trade to the attention of the Turkish Government, with a view of securing the desired relief.

I am, etc.,

ROBERT BACON.

[Inclosure.]

The president of the Smith Premier Typewriter Company to the Secretary of State.

THE SMITH PREMIER TYPEWRITER COMPANY,

New York, April 24, 1906.

SIR: Our European manager also calls our attention to the fact that the Turkish Government is placing all sorts of difficulties in the way of the importation of typewriters, so much so that our local representative there writes to our European manager that he can not clear a machine through the custom-house unless the buyer certifies that it is for his personal use, and that this stops him from bringing in any machines that are not sold beforehand, and therefore prevents his keeping any stock, etc.

Our local dealer in Constantinople goes on to say in his letter to our European manager that the Sultan has on several occasions prohibited entirely the importation of typewriters into Turkey, but that the action of the English and American ambassadors has resulted in having the "Trade" withdrawn, but he says that this last move of requiring a certificate that the machine is for the personal use of the buyer, makes it so difficult to do business in that country as to amount to practically the same thing as the prohibition.

I bespeak for these two matters your most favorable consideration, and will sincerely appreciate exact information concerning the conditions, and beg to remain, etc.,

TIMOTHY L. WOODRUFF.

File No. 6655.

The Secretary of State to Ambassador Leishman.

No. 27.]

DEPARTMENT OF STATE,
Washington, June 10, 1907.

SIR: The department incloses herewith a copy of letter of the 20th ultimo from the Remington Typewriter Company, of New York City, complaining of the action of the Turkish customs officials at Trebizond in forcibly detaining certain Remington typewriters, the property of that company.

As you are aware, there have been several previous protests made by American exporters against the unreasonable restrictions imposed in Turkey on this important export trade. In the present instance, the machines being consigned to Persia and merely passing through Turkey, there would seem to be no excuse for interference or seizure. You are instructed to bring the matter to the urgent attention of the Porte, requesting the immediate release of the machines, unless adequate cause for their detention shall appear.

I am, etc.,

E. Root.

[Inclosure.]

*The vice-president of the Remington Typewriter Company to the Secretary of State.*REMINGTON TYPEWRITER COMPANY,
New York, May 20, 1907.

DEAR SIR: We respectfully request the assistance of the United States Ambassador at Constantinople to secure the release from detention of certain Remington typewriters, the property of this company, which are forcibly detained by Turkish customs officials at Trebizonde.

The facts are as follows:

We have perfected, after much expenditure of money and labor, a typewriter for the Arabic character, which is largely employed throughout the East for writing Arabic and cognate languages, such as Turkish, Persian, Urdu (in India), Malayan, etc. In the course of developing business in this new machine we entered into correspondence with one Mirza Mesrof Khan Karam, of Tabriz, in northwestern Persia. As a result of certain arrangements with him, we shipped on the 29th of August, 1906, from the port of New York, per Baldwin's American European Express, on board steamship *Baltic*, bound for Liverpool, two cases, each containing one Remington typewriter equipped with Arabic characters suitable for writing the Persian language (which are practically identical with those required for Turkish also).

These cases, each bearing name and address of consignee in Tabriz above mentioned, were forwarded from Liverpool by the agents of the said express (Stavely & Co., Dale street, Liverpool) by steamer to the Black Sea and landed at Trebizonde, in Turkish dominions, in the care of the agent or representative of Nadidjda & Co., a Russian transportation concern, whose name is mentioned as Minossian.

The nonreceipt of the goods in Persia led to an investigation resulting in establishing the fact that the steamship company gave delivery order for said goods to Minossian on December 2/15 last, "but the custom-house had stopped the delivery of the cases for the reason that the characters typographical of the machines were 'Turque-Arabiques.'"

We had no knowledge that the importation of writing machines with Turkish characters was prohibited in the Turkish Empire. In any event, the goods were not destined for any point within that jurisdiction, and we are very desirous of regaining possession of our property in order that they may be sent forward to their ultimate destination. It will be quite evident that no intention existed upon our part to violate any Turkish law (if such exists) forbidding the impor-

tation of such machines. In fact, we were not aware of any necessity existing for the passage of the goods through Turkish territory, this being merely an incident of transportation.

Said machines are now and have at all times since shipped remained the property of this company, having been sent as samples intended to develop a new trade opening which exists in Persia.

We believe that the agent Minossian, in Trebizone, being a Russian subject, has already brought the matter of this detention to the notice of the Russian embassy in Constantinople, but we are not advised as to the result.

We will feel greatly obliged if you will bring the facts before our ambassador in Constantinople for such action toward securing an order for the release of our property thus wrongfully detained as may properly be taken.

Yours, etc.,

JOHN F. McCLAIN.

File No. 6655/1.

Ambassador Leishman to the Secretary of State.

No. 321.]

AMERICAN EMBASSY,
Constantinople, July 12, 1907.

SIR: In reply to your instructions No. 217, of the 10th ultimo (file No. 6655), with regard to the detention of two typewriters shipped in transit to Persia by the Turkish custom officials at Trebizond, I have the honor to state that this particular difficulty has now been remedied and the two machines forwarded to Tabriz on May 23 last, the shipping agent at Trebizond giving a guaranty that they would be delivered outside of the Ottoman Empire.

The difficulty arose, however, from the fact that the typewriters were in Arabic-Turkish characters and as such violated the official regulations directed against the employment of such machines on the ground of their being utilized for the publication of revolutionary literature. No printing presses can be established in this country without official permission and continued inspection thereof, and the restriction of typewriters are due to the fear that they may be substituted for printing presses in being utilized for the circulation of forbidden literature.

I have, etc.,

JOHN G. A. LEISHMAN.

EGYPT.

JURISDICTION OVER THE OFFENSE OF CRIMINAL LIBEL COMMITTED BY AN AMERICAN CITIZEN IN EGYPT.

File No. 2751.

Consul-General Iddings to the Secretary of State.

[Telegram.—Paraphrase.—Extract.]

AMERICAN AGENCY AND CONSULATE-GENERAL,
Cairo, November 26, 1906.

(Mr. Iddings informs Mr. Root that Nelken Waldberg, naturalized citizen of the United States, District of Columbia, April, 1888, passport 70, Athens, April 7, 1904, publishes daily newspaper in Cairo, in which he attacks citizens and members of the diplomatic corps; strong proof of blackmail is furnished and it is desired by certain persons to expel Waldberg; states that it seems desirable to silence Waldberg temporarily. Says his remonstrances are ineffective and libel suits useless. Waldberg says he will apply for new passport. Requests telegraphic instructions for immediate action.)

File No. 2751.

The Acting Secretary of State to Consul-General Iddings.

[Telegram.—Paraphrase.—Extract.]

DEPARTMENT OF STATE,
Washington, December 1, 1906.

(Mr. Adee informs Mr. Iddings that no ground is disclosed in his cable for refusing passport to Waldberg, and that American diplomatic and consular officers exercising extraterritorial jurisdiction have no authority to expel or deport; nor can the department confer such authority. Mr. Adee states further that officers have jurisdiction to arrest and try American citizens for offenses of criminal libel, according to common law. Directs Mr. Iddings to consult American judge mixed tribunals.)

Consul-General Iddings to the Assistant Secretary of State.

[Extract.]

No. 147.] AMERICAN AGENCY AND CONSULATE-GENERAL,
Cairo, Egypt, December 16, 1906.

SIR: I have the honor to confirm herein the telegram sent to you by me on November 26^a last, and your reply received December 1.^a

^a Not printed.

I received from the Egyptian government the note dated December 6, of which I forward a copy, with translation, attaching to it copy of my reply, dated December 8. I have called formally on Mr. Alban to express my regret that he should be attacked as he has been by an American citizen.

Awaiting your further instructions, I have, etc.,

LEWIS MORRIS IDDINGS.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Consul-General Iddings.

No. 853.]

CAIRO, December 6, 1906.

SIR: The attention of the government has been for some time attracted by the actions of a certain individual who calls himself Captain Waldberg and claims to be an American citizen.

This person publishes in Cairo a paper entitled "The Oriental Truth," in which he has repeatedly printed the gravest imputations and calumnies, as grave as they are false, against British functionaries, more especially against the consular tribunal of Great Britain in Cairo, which has been attacked in a virulent manner in consequence of a sentence passed by this tribunal at a recent trial for assault and battery against a British subject by the aforesaid Captain Waldberg.

I have thought it my duty to bring these facts to your knowledge, leaving it to your discretion to take such measures as you consider proper to put an end to this procedure.

Pray accept, etc.,

BOUTROS GHALL.

[Inclosure 2.]

Consul-General Iddings to the Minister for Foreign Affairs.

AMERICAN CONSULATE-GENERAL,
Cairo, December 8, 1906.

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your note of December 6, 1906, calling my attention to the conduct of an American citizen of Cairo, Captain Waldberg. It is a matter of profound regret to me that a compatriot should lay himself open to so grave an accusation as Captain Waldberg has done.

His procedures had already engaged my consideration when your note was received, and so far as possible I will correct them.

Pray accept, etc.,

LEWIS MORRIS IDDINGS.

Consul-General Iddings to the Assistant Secretary of State.

No. 148.]

AMERICAN AGENCY AND CONSULATE-GENERAL,
Cairo, Egypt, December 17, 1906.

SIR: I beg leave to inclose herewith a copy of an application for passport made on November 30, 1906, by Jorge Nelken y Waldberg, born in Argentina, South America, and naturalized in the District of Columbia. He declares, as you will perceive, that he means to return to America, "within a reasonable time," to resume the duties of citizenship.

On the strength of that statement, and in view of his career in Constantinople and Egypt, I refused the application. In my judgment, Waldberg has no intention of going back to the United States

as long as he finds his present methods of gaining a living successful. In justification of this opinion, I respectfully refer to my dispatch No. 147, of December 16, 1906. Waldberg has said to me that he really had no use for a passport; that his naturalization certificate was a guaranty of protection so long as he lived under the capitulations. I think that this impression is growing among many persons naturalized in the United States but now residing here and intending to remain indefinitely. Awaiting instructions in this case,

I have, etc.,

LEWIS MORRIS IDDINGS.

File No. 2751/5-10.

The Third Assistant Secretary of State to Consul-General Iddings.

No. 67.1

DEPARTMENT OF STATE,
Washington, January 30, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 147 of the 16th ultimo relative to the case of Jorge Nelken y Waldberg, a naturalized American citizen and publisher of a daily newspaper at Cairo, who it has been suggested to you should be expelled from Egypt at your instance on account of virulent attacks made by him in his newspaper against several foreign officials in that country.

In reply I have to inform you that the powers of the agency and the consulate-general in this class of cases and its limitations would seem to have been made quite clear by the department's telegram of December 1, 1906.

For your fuller information, however, the following portions of opinions of the solicitor of the department are embodied herein and a copy of that officer's memorandum upon certain phases of American extraterritorial jurisdiction in China, which is suggestive as to a number of points, is inclosed:

An American in Egypt could be prosecuted for libel both civilly and criminally. The civil suit would be within the jurisdiction of the mixed tribunals of Egypt, which "extends in general to civil and criminal cases between aliens and natives, including officials of the Egyptian government, and between aliens of different nationalities." (Hinckley, *American Consular Jurisdiction in the Orient*, p. 156.) The criminal prosecution would be a matter for our consular court. (See p. 3 of memorandum.) In case of conviction, sentence might properly be sustained on condition of his leaving the country, thus working a practical deportation.

It is, of course, settled that American consular officers, even in extraterritorial regions, have no authority conferred upon them by statute to expel or deport. (Hinckley, *American Consular Jurisdiction in the Orient*, p. 105.)

Article 4 of our treaty with Turkey of May 7, 1830, confers criminal jurisdiction over American citizens in Turkey upon American consular and diplomatic officers when it says: "And even when they (American citizens) may have committed some offense they shall not be arrested and put in prison by the local authorities, but they shall be tried by their minister or consul and punished according to their offense, following in this respect the usage observed toward other Franks." Section 4125, Revised Statutes, provides that the statutory provisions conferring judicial authority upon American diplomatic and consular officers shall extend to Turkey under the treaty of May 7, 1830. Our treaty, and the statutes enacted to carry the treaty into effect, confer criminal jurisdiction over American citizens upon American consular and diplomatic officers to the same extent as that exercised by other foreign powers within the Turkish dominions. (*Dainess v. Hale*, 91 U. S., 13, *semble*). A large portion of the civil jurisdiction conferred upon American consular courts in Egypt, and a cer-

tain part of the criminal jurisdiction, have been more recently conferred, with the consent of the United States, upon the so-called "mixed tribunals." (See President Grant's proclamation reciting the statute of Congress to this effect; For. Rel., 1876, p. 1; act of Mar. 23, 1874; 18 Stat. L., 23; Hinckley, American Consular Jurisdiction in Orient, p. 155.) The text of the regulations defining the jurisdiction of mixed tribunals may be found in British and Foreign State Papers, volume 66, page 593; volume 81, page 578. The substance of these regulations, in so far as they refer to the criminal jurisdiction of the court, may be thus stated, quoting Hinckley: "The courts have a limited criminal jurisdiction, intended in the first place solely for their own protection, but extended in 1889 by decree of the Khedive so as to apply to all general police regulations for the public security, not including offenses of a serious nature."

It would seem clear that jurisdiction over criminal libel committed by American citizens in Egypt still vests in the American consular courts and has not been transferred to the mixed tribunals. (See, for a general discussion of the common-law powers of American consular courts, 7 Op. Atty. Gen., 495 at 503; memorandum of the solicitor; in regard to offenses against morality and decency within the jurisdiction of the consular courts in China, Solicitor's Docket No. 884. For the account of a murder trial in the American consular court in Egypt, see For. Rel. 1879, p. 1010.)

I am, etc.,

HUNTINGTON WILSON.

[Inclosure.]

MEMORANDUM BY THE SOLICITOR.

DEPARTMENT OF STATE,
Washington, January 2, 1907.

Mr. WILSON: The Waldberg matter came up in connection with the accompanying cable of Consul-General Iddings of November 26, 1906, and the memorandum herewith submitted was prepared at that time. The cablegram submitted with the memorandum was sent to Consul-General Iddings on December 1.

It is believed that the memorandum will be found to be substantially responsive to your note of December 21. Mr. Waldberg could be prosecuted for libel both civilly and criminally. The civil suit would be within the jurisdiction of the mixed tribunals of Egypt, which "extends in general to civil and criminal cases between aliens and natives, including officials of the Egyptian Government, and between aliens of different nationalities." (Hinckley, American Consular Jurisdiction in the Orient, p. 156.) The criminal prosecution would be a matter for our consular court. (See p. 3 of memorandum.) In case Waldberg was convicted sentence might properly be suspended on condition of his leaving the country, thus working a practical deportation.

As regards the question of giving Waldberg a passport in case he should apply for one, which is discussed on pages 1-2 of the accompanying memorandum, it should be noted that recently in the case of one J. H. Brown, the Secretary has refused to issue a passport to an American citizen who had previously denied his American citizenship. That is to say, he has exercised the discretion vested in him by statute and declined to issue a passport to a man admittedly an American citizen.

As pointed out on page 2 of the memorandum, it would be in like manner entirely within the competence of the Secretary to direct a refusal of a passport to Mr. Waldberg in case he should apply for a renewal, as a matter of policy.

The solicitor, in his memorandum to the Secretary in regard to the Brown case, used the following language:

"If the passport is desired to accomplish a criminal purpose, it would be properly refused. If the passport is sought to prolong a residence in a foreign country, and if such residence would be impossible or disadvantageous without the passport, it may well be a question for the Secretary to consider whether the occupation in which such person is engaged is legitimate or illegitimate, judged either by the laws of the United States or by the laws of the applicant's residence, to determine whether or not the request for the passport should be refused. If it appears that the applicant keeps a disorderly house, or that he is engaged in gambling, or that he has violated knowingly, notoriously, the laws of

his residence, it may well be that the United States may not care to make itself a party to such misconduct by the issue of a passport.

* * * * *

"If a passport were in itself a certificate of citizenship, and if the inability to produce a passport carried with it the loss of protection, it might well be urged that Brown is entitled to a passport irrespective of his conduct, misconduct, or the interests of the United States. If, however, protection is not dependent upon passport, but that in a proper case an American citizen in a foreign land will be protected, it follows that the existence or nonexistence of a passport does not affect the status of the person without it in his relation to the home government. Its possession would, however, be in international law an evidence of citizenship; its absence would not be fatal to protection."

It might perhaps be well to inquire of the agency, when calling upon it for a report in this case, as to whether or not the possession of a passport is either legally or practically necessary to Mr. Waldberg in order to prolong his residence in Egypt. In case it should be thought desirable to refuse Waldberg a passport it would, of course, be perfectly possible to give at the same time directions that he should receive protection as an American citizen.

The memorandum in the Brown case is appended for your information.

Of course no question arises at present in regard to the refusal of a passport; first because Waldberg does not as yet appear to have applied for such passport, and secondly, because no evidence is at present before the department regarding Waldberg's alleged libels.

There would seem to be no special reason why Lord Cromer should enjoy an immunity from unfavorable comment in Egypt which he could not and does not enjoy either in England or the United States.

[Subinclosure.]

MEMORANDUM BY THE SOLICITOR IN REGARD TO THE JURISDICTION OVER THE
OFFENSE OF CRIMINAL LIBEL COMMITTED BY AN AMERICAN CITIZEN IN EGYPT.

DEPARTMENT OF STATE,
Washington, December 1, 1906.

Mr. ADEE: The department is in receipt of the following cablegram: ^a

This cablegram raises several questions. In the first place, the question arises as to whether or not Mr. Waldberg could properly be refused a passport on account of anything which appears in the above cablegram. Stating the case as against Mr. Waldberg as strongly as possible, it amounts to this: That he is alleged to be the publisher of a newspaper which publishes libels, and that he is accused of publishing attacks upon Lord Cromer which may amount to criminal libel.

The law officer of the department respectfully concurs with Mr. Hunt in thinking that a passport is not a certificate of character, although the granting of a passport is a matter of discretion with the Secretary and not a matter of strict right. (See 23 Op. Atty. Gen., 509; 13 Op. Atty. Gen., 89-92; Moore's Int. Law Digest, sec. 512.) In the exercise of this discretion passports may be refused to persons who are unquestionably American citizens on high grounds of public policy. (See instance cited by Mr. Hunt; also, suggestions of the Attorney-General that the public interest might require the refusal of a passport to an avowed anarchist, 23 Op. Atty. Gen., 509 at 511.) But "even in cases of crime or offense in a foreign land a citizen of the United States would be entitled in case of need to such certification of his status as a passport affords." (Mr. Adee to Mr. Conger, For. Rel. 1899, 186.)

It would therefore seem that nothing disclosed in Mr. Idding's cablegram would afford a sufficient reason for refusing a passport to Mr. Waldberg except by express direction of the Secretary, as a matter of policy.

Secondly, Mr. Idding's cablegram states that Lord Cromer "wishes Waldberg expelled." This would seem, from the context, to mean that he desires the expulsion of Mr. Waldberg by American authority. It is, of course, settled that American consular officers, even in extraterritorial regions, have no authority conferred upon them by statute to expel or deport. (Hinckley, American Consular Jurisdiction in the Orient, p. 105.) The question of the

^a Telegram of November 26, supra.

right of the Egyptian government to expel Waldberg does not arise on the face of the cablegram and need not be discussed at present.

Thirdly. Mr. Waldberg, according to the facts stated in the cablegram, may well be guilty of the common-law offense of criminal libel. "It is a misdemeanor at common law to maliciously publish any writing, picture, sign, or other representation which tends to defame a living person and expose him to ridicule, hatred, or contempt." (Clark & Marshall, Criminal Law, sec. 428.) It should be noted, however, that Lord Cromer is a public character and subject to "fair comment," which means "a comment which is either true or which if false expresses the real opinion of its author, such opinion having been formed with a reasonable degree of care and on reasonable grounds." (Clark & Marshall, Criminal Law, sec. 428 at p. 650.)

Article 4 of our treaty with Turkey of May 7, 1830, confers criminal jurisdiction over American citizens in Turkey upon American consular and diplomatic officers when it says: "And even when they (American citizens) may have committed some offense, they shall not be arrested and put in prison by the local authorities, but they shall be tried by their minister or consul and punished according to their offense, following in this respect the usage observed toward other Franks." Section 4125, Revised Statutes, provides that the statutory provisions conferring judicial authority upon American diplomatic and consular officers shall extend to Turkey under the treaty of May 7, 1830. Our treaty, and the statutes enacted to carry the treaty into effect, confer criminal jurisdiction over American citizens upon American consular and diplomatic officers to the same extent as that exercised by other foreign powers within the Turkish dominions. (*Dainese v. Hale*, 91 U. S., 13, *semble*.) A large portion of the civil jurisdiction conferred upon American consular courts in Egypt and a certain part of the criminal jurisdiction have been more recently conferred, with the consent of the United States, upon the so-called "mixed tribunals." (See President Grant's proclamation reciting the statute of Congress to this effect, For. Rel., 1876, p. 1, act of March 23, 1874; 18 Stat. L., 23; *Hinckley*, American Consular Jurisdiction in Orient, p. 155. The text of the regulations defining the jurisdiction of mixed tribunals may be found in British and Foreign State Papers, v. 66, p. 593; vol. 81, p. 578). The substance of these regulations, in so far as they refer to the criminal jurisdiction of the court, may be thus stated, quoting *Hinckley*: "The courts have a limited criminal jurisdiction intended in the first place solely for their own protection, but extended in 1889 by decree of the Khedive so as to apply to all general police regulations for the public security, not including offenses of a serious nature."

It would seem clear that jurisdiction over criminal libel committed by American citizens in Egypt still vests in the American consular courts and has not been transferred to the mixed tribunals. (See, for a general discussion of the common-law powers of American consular courts, 7 Op. Atty. Gen., 495 at 503; memorandum of the solicitor in regard to offenses against morality and decency within the jurisdiction of the consular courts in China, Solicitor's Docket No. 884. For the account of a murder trial in the American consular court in Egypt, see For. Rel., 1879, p. 1010.^a)

NOTE.—It should be noted that it is a misdemeanor at common law for two or more persons to conspire to make a false charge against another for the purpose of injuring his reputation or for the purpose of extorting money from him, as in case of blackmail, but Mr. Iddings's cable shows no evidence of conspiracy, and a simple blackmail is not an offense at common law. (Clark & Marshall, Criminal Law, sec. 145.)

File No. 2751/3-4.

The Third Assistant Secretary of State to Consul-General Iddings.

No. 68.]

DEPARTMENT OF STATE,
Washington, January 31, 1907.

SIR: I have to acknowledge the receipt of your dispatch No. 148 of the 17th ultimo reporting your refusal to grant a passport to

^a See also the case of *Palamaris v. Anawati*, which appears to have been a case of criminal assault decided in the consular court at Cairo, Egypt, March 13, 1906, reported to the department in Mr. Iddings's No. 77, of March 15, 1906.

J. Nelken y Waldberg, and in reply I have to inform you that under all the circumstances of the case your action is approved by the department. Such refusal, however, implies no denial of American citizenship, and Waldberg remains entitled to protection in the enjoyment of all rights which inure to him from the mere fact of American citizenship. He also remains subject to all the liabilities and liable for the performance of all the duties of American citizenship.

It is true that Waldberg may expatriate himself, but nothing in the record, so far as the department is aware, discloses such expatriation.

The conduct and character of an American citizen may under certain circumstances influence the department as regards the discretionary act of granting a passport. Such considerations can not affect his status as an American citizen.

The record appears to show that Waldberg was naturalized and lived for over thirteen years in the United States and only went abroad in 1904, and has resided since that time, in general, in countries in which the United States exercises extraterritorial jurisdiction. So far as the department is advised, therefore, he appears to be an American citizen.

I am, etc.,

HUNTINGTON WILSON.

File No. 2751/15.

Minister Beaupré to the Secretary of State.

No. 512.]

AMERICAN LEGATION,
Buenos Aires, March 20, 1907.

SIR: I have the honor to report that I am in receipt of a card filled out by our diplomatic agent and consul-general in Cairo, Egypt, in which it is stated that one Jorge Nelken y Waldberg, a naturalized citizen of the United States, who claims to have been born in the Argentine Republic, has been refused a passport "on the ground that his character and conduct are such that the department does not see fit to issue one to him," and in which I am referred to instruction No. 68, of January 31, 1907, to the consul-general at Cairo, Egypt. It would interest me greatly to know to what extent the personal character and conduct of an American citizen may enter into the consideration of his right to a passport, and I therefore respectfully request that, if not inconsistent with the department's views, a copy of said instruction No. 68 to the consul-general at Cairo be supplied me.

I am, etc.,

A. M. BEAUPRÉ.

File No. 2751/15.

The Acting Secretary of State to Minister Beaupré.

No. 120.]

DEPARTMENT OF STATE,
Washington, April 27, 1907.

SIR: The department has received your No. 512, of March 20, 1907, stating that you recently received from the diplomatic agent and consul-general at Cairo a card announcing that he had refused a passport to Jorge Nelken y Waldberg, a naturalized American citizen, "on the ground that his character and conduct are such that the

department does not see fit to issue him a passport." You ask to be instructed to what extent the personal character and conduct of an American citizen are to be considered in deciding whether or not to issue him a passport.

The issuance of passports is a discretionary act on the part of the Secretary of State, and he may, for reasons deemed by him to be sufficient, direct the refusal of a passport to an American citizen; but a passport is not to be refused to an American citizen, even if his character is doubtful, unless there is reason to believe that he will put the passports to an improper or unlawful use. The causes of refusal to issue passports to citizens depend upon considerations applicable to individual cases and are not the subject of general rules. In the case of Waldberg the passport was refused under the instructions of this department because Waldberg was engaged, as the evidence showed, in blackmailing projects, and was disturbing, or endeavoring to disturb, the relations of this country with the representatives of foreign countries.

I am, etc.,

HUNTINGTON WILSON.

INCREASE OF TAXES IN CAIRO.

IMPROVEMENT OF SANITARY CONDITIONS.

File No. 8684/2.

The Swedish Minister to the Secretary of State.

LEGATION OF SWEDEN,
Washington, September 25, 1907.

SIR: The Swedish Government has received, through our consul-general at Alexandria, Egypt, a letter from the Egyptian minister for foreign affairs, stating that his Government, in order to improve the sanitary conditions of the city of Cairo, were planning to construct a system of sewers in that city and that it would be necessary for the covering of the expenses for this enterprise to augment the taxes levied on real estate, situated inside of the city limits, from one-twelfth to one-tenth of its value.

In the same letter the Egyptian authorities have asked of the Swedish Government the permission to exact the proposed new tax also from the Swedish subjects residing in Cairo.

As it is supposed that the Government of the United States also has received a similar communication from the Egyptian authorities, the minister for foreign affairs at Stockholm has, before giving his answer in the matter, requested me to obtain information about the standpoint of the United States Government as to the proposed augmentation of taxes with regard to citizens of this country residing in Cairo.

In compliance with this request, I therefore have the honor to ask for your excellency's kind intervention in order to be enabled to furnish my Government with the information desired.

I have, etc.,

H. DE LAGERCRANTZ.

File No. 8684/2.

The Acting Secretary of State to the Swedish Minister.

No. 33.]

DEPARTMENT OF STATE,
Washington, October 4, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 25th ultimo, in which, by instruction of your Government, you ask the views of this Government in regard to the proposed increase of taxes in Cairo with a view to the construction of a sewer system.

In reply I have the honor to say that the consulate-general at Cairo, under date of July 20 last, transmitted the request of the Egyptian government for the consent of the United States to the proposed increase, and was instructed in reply to report to what extent, if any, American interests would be affected thereby.

The department is awaiting that report.

The proposed increase, as reported by the consulate-general, was from one-twelfth to one-tenth of the annual rental valuation and not, it would seem, assessable on the valuation of the property itself.

Accept, etc.,

ROBERT BACON.

File No. 8684/3.

The Acting Secretary of State to the Swedish Minister.

No. 36.]

DEPARTMENT OF STATE,
Washington, October 12, 1907.

SIR: Referring to the department's note of the 4th instant in regard to the proposed increase of taxes in Cairo with a view to the construction of a sewer system, I have the honor to say that the agent of the United States at Cairo having reported that American interests will be slightly, if at all, affected by the proposed increase of the tax on rental valuation of realty, he has been instructed that he may assent thereto, if the assent of the United States be necessary to insure unanimity.

Accept, etc.,

ALVEY A. ADEE.

URUGUAY AND PARAGUAY.

LAW ABOLISHING THE DEATH PENALTY IN URUGUAY.

File No. 9524/1.

Minister O'Brien to the Secretary of State.

No. 321. }
Uruguayan series. }

AMERICAN LEGATION,
Montevideo, September 26, 1907.

SIR: I have the honor to inclose herewith, in duplicate and translation, copy of the law abolishing the death penalty in Uruguay, passed by Congress on September 21 last.

I am, etc.,

E. C. O'BRIEN.

[Inclosure.—Translation.]

DEATH PENALTY.

LAW OF ABOLITION IN CIVIL AND MILITARY LIFE—LEGISLATIVE POWER.

The Senate and House of Representatives of the Oriental Republic of Uruguay, in general assembly, etc., decree:

ARTICLE 1. The penalty of death established by the penal code is abolished.

ART. 2. In cases of abolition of the death penalty, as set forth in the foregoing article, the penalty of imprisonment for an indefinite time will be imposed, the judges not being empowered in any case to fix the term.

The indefinite penalty will be, as a maximum, forty years, and as a minimum, thirty years.

ART. 3. At the end of thirty years prisoners may solicit conditional liberty, which will be accorded by the high court of justice after hearing the reports of the director of the penal establishment in which prisoner is an inmate and the order of the public ministry, and after an examination of the records of the penitentiary registers proving that, during the latter half of the imprisonment, they have given positive proofs of good conduct and moral correction.

To grant conditional liberty four affirmative votes will be necessary if the high court, or the tribunal sitting in its place, should be composed of five members, and five affirmative votes if it should be composed of six members.

The denial of conditional liberty does not deprive the prisoner of the right of petition at another time.

The dispositions of articles 94, 95, and 96 of the penal code will govern those pardoned.

The law of grace to which articles 788, 789, and 793 refer in the military code, is substituted by conditional liberation.

ART. 4. The penalty of imprisonment will substitute that of garrison established by the military code, with the same effects attributed by that law to that punishment. (Art. 790.)

ART. 5. When the prison doctor notes a change in the health of the prisoners, during the solitary continuous confinement fixed in the sentence, he will report it on the same day to the director of the prison, who will discontinue the confinement, communicating it to the judge of the case, it being under his resolution.

ART. 6. When the legal process may have been delayed for more than a year the excess of preventive detention will be computed day by day, unless the delay is occasioned by the prisoner or he should be guilty of bad conduct, in which

cases the judge, expressly declaring such circumstances, will strictly apply article 37 of the penal code.

ART. 7. The dispositions of article 6 will govern the cases already judged.

ART. 8. All dispositions of the civil and military codes opposed to the present law are derogated.

ART. 9. Communicate, etc.

Hall of sessions of the honorable house of representatives, Montevideo, September 21, 1907.

ANTONIO M. RODRIGUEZ, *President*.
DOMINGO VERACIERTO, *Secretary*.

MINISTRY OF THE INTERIOR,
Montevideo, September 23, 1907.

Fulfill, acknowledge receipt, communicate, publish, and insert in the National Register.

WILLIMAN,
ALVARO GUILLOT.

MESSAGE OF THE PRESIDENT OF URUGUAY TO THE URUGUAYAN CONGRESS.

File No. 5590/1.

Minister O'Brien to the Secretary of State.

No. 240.]

AMERICAN LEGATION,
Montevideo, February 22, 1907.

SIR: I have the honor to inclose herewith clippings, in duplicate, and translation thereof, from *La Prensa* of February 16, 1907, entitled "The presidential message," reviewing the works of the administration of President José Batlle y Ordóñez, who will retire from office on March 1 next. I particularly invite the department's attention to that part devoted to foreign relations, where reference is made to the visit of the Secretary of State to the River Plate republics.

I have mailed printed copies of the complete message under separate cover.

I am, etc.,

E. C. O'BRIEN.

[Inclosure.—Translation.—Extract.]

THE PRESIDENTIAL MESSAGE.

* * * * *
The executive power takes pleasure in giving evidence that the most absolute tranquillity reigns in all the country, and that the period covered by this message has been characterized by the greatest dedication to elements of labor and progress to their tasks, which have obtained ample and worthy recompense, favored by an atmosphere of peace and order.

The partial senatorial elections in six departments and for juntas in Rio Negro were effected in the greatest order and with the most complete liberty, it not being possible with reason to formulate a single charge against the authorities, the high body, called to officiate at these functions, having consecrated itself to this purpose.

On the other hand, the respect for individual guarantees and for property, which constitutes one of the most legitimate and honest standards for our country, has been maintained and augmented, if possible, the Government exercising a very severe censure over the authorities under it, punishing every abuse, such as omissions or deficiencies in their action, to the end of fulfilling

impartially the laws, to stimulate the zeal of officers, to demonstrate in exemplary form the true conception of the duties imposed on it.

* * * * *

The executive power initiated, during this period, and obtained your sanction for a law relative to clandestine fishing, intended to repress efficaciously the transgressions against property and national sovereignty, which have been committed on our eastern coast.

It sent to your honorable body a simplified project on the creation of the high court of justice; another declaring salaries and pensions to be unembar-goable; another relative to the betterment of the laboring class, regulating the hours of work, establishing weekly rest and protective measures for women and children employed; and another establishing an annual tourney of athletic games.

Seconding an initiative of the superior tribunal of justice, the creation of a new office of magistrate of crime and of a new judge of instruction for the capital were solicited from your honorable body. With your sanction, these offices are already in exercise, as well as the new office of official defender of the criminal, which was added by the assembly.

Making use of the constitutional prerogative of pardoning penalty of death—considering it to be warranted by the circumstances—said penalty imposed on the criminal, Ramon Gadea, was commuted in accordance with the dispositions of the law of October 30, 1883.

In this sense, the executive power permits itself to solicit again your deferent attention to the project of law suppressing capital punishment, which would incorporate in our legislation, a reform worthy of our social and institutional advancement.

The commissions charged with the study of the reform of the code of civil procedure, of the administrative code, of political legislation, and the register of original property, have assiduously continued their tasks, and from information the Government has, they will not delay in terminating them.

* * * * *

Ministry for foreign affairs.

The two most important matters which, during the last period, were called to the attention of this ministry were consular reform and the Third Pan-American Conference. In this respect, among other things, it says:

“The laws on diplomatic and consular reorganization suitably drawn up, they have already begun to produce effects which at a no distant time will be truly beneficial to our country.

“In accord with the respective law, our diplomatic representation is extended to a majority of the more important civilized nations of the earth, such a delicate mission having been confided to national figures well equipped to lend useful service to the Republic.

“The consular representation, at the same time, is experiencing a radical change. Already the consideration, with which, in diverse countries of those most advanced, the Oriental Republic of Uruguay is appreciated, increases notably.

“The Third Pan-American Conference, held in Rio Janeiro, was a brilliant manifestation of American thought. In it, the unquenchable purposes of fraternity which animate the peoples of the Continent, were expressed in an indelible manner for the glory and honor of our America.

“The presence thereof of the illustrious North American statesman, Mr. Root, bearer of the special greetings from his country to her lesser sisters in the civilization of America, was a beautiful compliment to that congregation of brothers.

“As to how these manifestations were accepted and acknowledged, I do not need to state as they are so well known.

“For our part, we bring them out in the most eloquent manner on account of the visit to Montevideo of the illustrious man of state, the honor taking the initiative that brought about his presence among the peoples of the Plate being ours.”

“The project for installing lines of rapid and direct steamer communication between the Republic and United States, already on the road toward realization, and the augmentation of commercial transactions with that and other nations of the American continent, will be, without any doubt, an immediate consequence of the aforesaid event.”

File No. 4867/12-15.

ELECTION OF DR. CLAUDIO WILLIMAN AS PRESIDENT OF URUGUAY.

Minister O'Brien to the Secretary of State.

No. 244.]

AMERICAN LEGATION,
Montevideo, March 2, 1907.

SIR: I have to report that in accordance with article 73 of the constitution of the Oriental Republic of Uruguay, its General Assembly, composed of 19 Senators and 73 Representatives, met on the afternoon of March 1 in the hall of the House of Representatives and by a vote of 70 to 9 elected Dr. Claudio Williman, the proclaimed candidate of the Colorado party, President of the Republic, over Señor Guillermo García, the candidate of the National party. The analysis of the vote shows that 13 Senators and 57 Representatives of the Colorado party (its full representation) voted for Doctor Williman, while only 2 Senators and 7 Representatives, out of a total of 6 Senators and 16 Representatives of the National party, were present and voted for Guillermo García. The absentees took this method of showing their disapproval of the action of the directory of their party in nominating a candidate against Doctor Williman.

Immediately after the announcement of Doctor Williman's election a committee of the General Assembly waited upon him at his private house and escorted him to the General Assembly hall, where, in the presence of that body, he took the oath of office prescribed by the constitution and delivered his inaugural address, a copy of which, with translation, is herewith inclosed. I particularly invite the department's attention to that part devoted to foreign affairs.

Simultaneously with the taking of the oath of office by Doctor Williman, the retiring President, Jose Batele y Ordonez, issued a decree announcing that the executive power was now in the possession of Dr. Claudio Williman, the newly elected President of the Republic. Copy thereof, with translation, herewith inclosed.

Doctor Williman, immediately after his inaugural address, went on foot to the government palace and there issued a decree to the effect that the oficiales mayores were to remain in charge of their respective folios until the new ministry was constituted. Copy thereof, with translation, herewith inclosed.

The change of government was effected in the midst of great enthusiasm for the members of both the retiring and incoming governments, Doctor Williman being the recipient of marked popular demonstrations.

I herewith enumerate the public offices previously held by Doctor Williman: Professor of university society and atheneum from 1880 to 1885; from 1885, professor of secondary instruction in university, and from 1887, professor in military academy and founder of faculty of mathematics; dean of secondary instruction, 1890-1892; in 1898, member of electoral committee of Montevideo; vice-president of economic-administrative committee of capital; director of treasury of the municipality and president of committee of primary instruction, 1899-1901; rector of university, 1902-1904; president of national committee of Colorado party; president of the penitentiary council; chief of Battalion No. 4 of the Mobile National Guard, in which are

enrolled the university youths, 1903-4; minister of government, 1904-1907.

Doctor Williman has often expressed to me his high appreciation of American institutions and his personal admiration for President Roosevelt and Secretary Root, who will remember having met Doctor Williman while in Montevideo.

I am, etc.,

E. C. O'BRIEN.

[Inclosure.]

DOCTOR WILLIMAN'S SPEECH.

* * * * *

I must manifest now that I will make every effort to the end that the relations of the Republic with foreign countries may increase; that, by mutual knowledge each time growing greater, by intelligence of reciprocal interests, new bonds may be established that may be a token of friendship and prosperity; and that all contracted obligations may be faithfully met.

And, very especially, the relations with the contiguous republics merit my attention, because, apart from the great existing motives, by the past alliances, the equality of institutions, and the strong ties woven by affections and lofty considerations between the governments and the peoples, I feel a personal inclination of sympathy toward those neighboring nations.

File No. 4867/5-9.

Minister O'Brien to the Secretary of State.

No. 246.]

AMERICAN LEGATION,
Montevideo, March 6, 1907.

SIR: I have to inclose herewith copies of correspondence between the foreign office of Uruguay and this legation, relative to the change of government; note, dated 1st instant, with translation, advising that Dr. Claudio Williman, president-elect of the Republic, had taken possession of the supreme command of state, after taking the oath which the constitution prescribes, and that until the ministry was properly constituted His Excellency the President had charged the oficiales mayores with their respective folios; reply thereto, conveying President Roosevelt's congratulations; note dated 6th instant, advising that President Williman would designate a special audience to receive the members of the diplomatic corps.

I also inclose copy of a personal note of felicitations addressed by me on the 2d instant to Doctor Williman, with whom, as minister of government, I enjoyed very pleasant relations.

I am, etc.,

E. C. O'BRIEN.

[Inclosure 1.—Translation.]

The Minister for Foreign Affairs to Minister O'Brien.

FOREIGN OFFICE,
Montevideo, March 1, 1907.

MR. MINISTER: I have the satisfaction of notifying Your Excellency that the citizen, Dr. Claudio Williman, President-elect of the Republic, has just taken

possession of the supreme command of the State after taking oath, which the constitution prescribes, before the honorable General Assembly.

For the time that the ministry is not properly constituted His Excellency the President of the Republic has charged the oficiales mayores of the respective folios.

MIGUEL A. FLANGINI.

[Inclosure 2.]

Minister O'Brien to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Montevideo, March 2, 1907.

SIR: I have the honor to acknowledge the receipt of your excellency's note, dated March 1, advising me that the citizen Dr. Claudio Williman has just assumed supreme command of the State, having taken before the honorable General Assembly the oath prescribed by the constitution of the Republic, as well as that, until the ministers of his Government are named, the oficiales mayores will be in charge of the duties of chiefs of their respective departments.

I avail myself of this opportunity to convey through you to His Excellency the President the sincerest official and personal congratulations of President Roosevelt, trusting that at an early date I may personally deliver them to His Excellency at the time and in the manner most agreeable to him.

With sentiments of high esteem, believe me, etc.,

EDWARD C. O'BRIEN.

[Inclosure 3.—Translation.]

The Minister for Foreign Affairs to Minister O'Brien.

FOREIGN OFFICE,
Montevideo, March 6, 1907.

The minister for foreign affairs salutes with all consideration Mr. Edward C. O'Brien, envoy extraordinary and minister plenipotentiary of North America, and in reply to his attentive communication of the 2d instant takes pleasure in notifying him that His Excellency the President of the Republic will designate a special audience to receive the members of the honorable diplomatic corps, to whom the day and hour on which it will take place will be communicated opportunely.

[Inclosure 4.]

Minister O'Brien to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Montevideo, March 2, 1907.

DEAR MR. PRESIDENT: Permit me to offer personally, in advance of official congratulations, my most cordial felicitations upon your election to the high office of Chief Magistrate of your country. It is indeed an auspicious beginning which marked Your Excellency's induction into office, and I sincerely wish you all good fortune, happiness, and prosperity to the Uruguayan people.

I am, etc.,

EDWARD C. O'BRIEN.

VENEZUELA.

RECOGNITION OF MR. SIMÓN PLANAS SUAREZ, A NATIVE VENEZUELAN, AS NICARAGUAN MINISTER TO VENEZUELA.

DIPLOMATIC IMMUNITIES.

File No. 6663-1.

Minister Russell to the Secretary of State.

No. 191.]

AMERICAN LEGATION,
Caracas, May 6, 1907.

SIR: I have the honor to inclose you herewith a clipping from the Official Gazette, with translation, giving the correspondence to and from the foreign office in regard to the recognition by Venezuela of an envoy extraordinary and minister plenipotentiary of the Republic of Nicaragua.

Mr. Simon Planas Suarez, a Venezuelan, who has just been recognized by Venezuela as envoy extraordinary and minister plenipotentiary of Nicaragua, has been for several years, since December 1, 1904, the accredited diplomatic representative of that Republic with the rank of chargé d'affaires.

I would like an expression of opinion from the department as to this novel status of Nicaragua's representative, who has placed himself apart from the other members of the diplomatic corps by waiving all his diplomatic immunities and privileges under international law.

I am, etc.,

WILLIAM W. RUSSELL.

[Inclosure 1.—Translation.]

Minister Suarez to the Venezuelan Minister for Foreign Affairs.

No. 35.]

LEGATION OF NICARAGUA IN VENEZUELA,
Caracas, April 16, 1907.

MR. MINISTER: Referring to the conversation I had with your excellency this morning, and in view of the fact that I will soon have to treat with your excellency several important questions arising from the present war between Nicaragua and several other Republics of Central America, trusting in the signal goodness of your excellency, I beg you to forward to His Excellency Gen. Cipriano Castro, Constitutional President of the United States of Venezuela, the letters of credence by which His Excellency Gen. J. Santos Zelaya, Constitutional President of the Republic of Nicaragua, has seen fit to accredit me near the illustrious and liberal Government of your excellency in the capacity of envoy extraordinary and minister plenipotentiary.

The constant desire of the people and Government of Nicaragua to strengthen even more their fraternal relations with the people and Government of Venezuela, and to make more solid their patriotic ideals, sentiments with which I myself am perfectly in accord, lead me to hope that in the discharge of my new mission I shall merit the confidence of the illustrious President of Venezuela, and that of his worthy collaborators, and thus succeed in successfully fulfilling, with such valuable cooperation, the high mission that has been confided to me.

In the name of the President of Nicaragua, in that of his Government, and in my own name, I earnestly beg your excellency to be so kind as to express to the President of Venezuela my sincere desires for the complete reestablishment of his important and precious health, and the no less fervent desires for the peace, grandeur, and progress of the United States of Venezuela.

Will your excellency please accept, together with my acknowledgment, my wishes for your personal happiness and the homage of my highest consideration.

(Signed) SIMON PLANAS SUAREZ.

[Inclosure 2.—Translation.]

The Venezuelan Minister for Foreign Affairs to Minister Suarez.

UNITED STATES OF VENEZUELA,
MINISTRY FOR FOREIGN AFFAIRS,
Caracas, May 1, 1907.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's polite note of the 16th of last April, inclosing, for delivery to Gen. Cipriano Castro, restorer of Venezuela and Constitutional President of Venezuela, the letters of credence by which His Excellency Gen. J. Santos Zelaya, Constitutional President of the Republic of Nicaragua, has seen fit to accredit your excellency near my Government as envoy extraordinary and minister plenipotentiary.

Your excellency's request having been complied with, I am greatly pleased to inform you that Gen. Cipriano Castro has authorized me to recognize your excellency as envoy extraordinary and minister plenipotentiary of the Republic of Nicaragua, as accredited in the autograph letter from His Excellency Gen. J. Santos Zelaya.

Gen. Cipriano Castro, restorer of Venezuela and Constitutional President of the Republic, while acceding to the wishes of the Government of Nicaragua in recognizing your excellency in this new and higher diplomatic character, taking into consideration the Venezuelan nationality of your excellency, makes, through this ministry, the consequent reserve as regards your immunity and extraterritoriality, with the declaration that in no manner shall the ties which bind your excellency to the Republic of Venezuela be considered as dissolved or lessened in everything touching obedience to the constitution and laws as a Venezuelan citizen.

The desires expressed by your excellency on the part of the people and Government of Nicaragua for strengthening even more their fraternal relations with Venezuela, an aspiration shared by the Government of the Republic, in the well-grounded hope that in the discharge of the high mission of your excellency there will be frequent opportunity for their realization.

The Constitutional President of the Republic is extremely grateful to the President of Nicaragua, to its Government, and to your excellency for the sincere wishes in regard to his health and for the prosperity of Venezuela, and returns them, expressing at the same time his most fervent desires for the complete consolidation of peace in the Republic of Nicaragua and for the personal happiness of its Prime Magistrate.

I avail myself, etc.,

(Signed) J. DE J. PAUL.

File No. 6663-1.

The Acting Secretary of State to Minister Russell.

No. 92.]

DEPARTMENT OF STATE,
Washington, June 28, 1907.

SIR: I have to acknowledge the receipt of your No. 191 of the 6th ultimo, giving an account of the reception of a native Venezuelan as minister of Nicaragua to Venezuela and requesting an expression of the department's opinion concerning the status of Mr. Planas Suarez, whom the Venezuelan Government considers to be a Venezuelan citizen.

In reply, I have to say that the right of any government to decline to receive one of its own citizens as the representative of another government is generally recognized and has been asserted on several occasions by the Government of the United States. (See Moore's Digest, vol. 4, pp. 549-553.) While insisting upon the right in some instances, it has been waived without prejudice in others.

In the case of Señor Camacho the question of his citizenship was revived later, when he was promoted from the office of chargé d'affaires of Venezuela to be minister. It was contemplated to require Señor Camacho to waive his diplomatic privileges, on account of his being an American citizen, but it appears that under the laws of Venezuela he still retained Venezuelan citizenship, notwithstanding naturalization as an American. He was, therefore, received as a Venezuelan, and so regarded during his continuance in office.

These remarks are offered merely as of historic and academic interest.

The subject of the status of Señor Planas Suarez does not appear to call for any formal expression of opinion in the absence of any case arising affecting his relations to the other members of the diplomatic corps in any matter affecting diplomatic privileges.

I am, etc.,

ALVEY A. ADEE.

MESSAGE OF THE PRESIDENT AND REPORT OF THE MINISTER FOR FOREIGN AFFAIRS OF VENEZUELA.

File No. 3136/31-33.

Minister Russell to the Secretary of State.

No. 203.]

AMERICAN LEGATION,
Caracas, June 5, 1907.

SIR: I have the honor to report that on Saturday last, June 1, the Venezuelan Congress convened in special session for the purpose of hearing the reading of the President's message. The diplomatic corps attended in a body, and General Castro himself stood up for nearly half an hour and read the most important part of the message. The President read in a clear voice, audible to all the immense crowd in the Senate chamber.

I inclose you a copy of the President's message, and also a copy of the report of the minister for foreign affairs to Congress, with translations of parts in both of interest to the United States.

I am, sir, etc.,

WILLIAM W. RUSSELL.

PRESIDENT'S MESSAGE—EXTRACT.

[Inclosure 1—Translation.]

I am pleased to inform you that our political relations with the nations friendly to Venezuela are continually becoming stronger and more cordial, as the purpose of the Government is dominated by that spirit of culture and harmony which the good name of the country demands. We are treading with a firm and sure step the path of right and honor, and we are observing religiously our obligations to other countries, so that there is perfect cordiality between the Government and the diplomatic representatives accredited in the Republic.

In a short space of time there will be entirely canceled the claims of England, Germany, and Italy, which were given preference by the decision of The Hague Tribunal. The payment of these claims will be followed immediately by the cancellation of the claims of the other nations.

You will also see from the report of the ministry for foreign affairs the reasons for which, unfortunately, our diplomatic relations with France continue to be interrupted. This does not mean, however, that Venezuela is unwilling to renew these relations, for it never has been and never will be the fault of Venezuela that said relations are not maintained on the same friendly footing as with other nations.

Our intercourse with the Government of the United States has continued to be completely cordial and friendly since I had the pleasure of receiving in the capital His Excellency Mr. William W. Russell as envoy extraordinary and minister plenipotentiary.

In an affable and conciliatory manner this distinguished diplomat has conducted negotiations with this Government, thus causing to disappear that tension which, contrary to my desires and proven sympathy for the North American nation, has been caused by the discussion of some questions with American citizens.

[Inclosure 2.—Translation.]

REPORT OF MINISTER FOR FOREIGN AFFAIRS.—EXTRACT.

On May 1, 1905, this ministry was informed by His Excellency Mr. Herbert W. Bowen, envoy extraordinary and minister plenipotentiary of the United States, that, in accordance with instructions from his Government, he was leaving that day for Washington, leaving as chargé d'affaires ad interim Mr. Norman Hutchinson, who continued to act in this capacity until August 22, of the same year, when His Excellency Mr. W. W. Russell was received in public and solemn audience with the same character of envoy extraordinary and minister plenipotentiary, presenting to the chief of the nation the letters of recall of his predecessor.

The relations between this ministry and His Excellency Mr. W. W. Russell have been up to the present perfectly cordial. On the same high plane of perfect cordiality, the said distinguished diplomat has carried on negotiations with this ministry in those questions which came before him as the temporary representative of French interests, since the time when diplomatic relations with the Government of France were suspended.

In a note dated June 1, 1905, the United States legation communicated the news of the death of His Excellency Mr. John Hay, Secretary of State, and the Government of Venezuela expressed its profound regret at such a great loss to the North American nation. This ministry answered the polite note in which it was informed of the appointment of His Excellency Mr. Elihu Root as Secretary of State.

Mr. Jacob Sleeper replaced Mr. Hutchinson as secretary of the United States legation, as this ministry was opportunely informed. During the absence of His Excellency Mr. Russell, from November, 1906, to the end of March, 1907, the honorable Mr. Sleeper was in charge of the legation as chargé d'affaires ad interim.

From March 23, 1905, on which day this department answered His Excellency Mr. H. W. Bowen in regard to a proposition for arbitration contained in a copy of his instructions from Washington, ended entirely the diplomatic discussion carried on by the Department of State of the United States in regard to the expulsion of Mr. Jaurett; in regard to the then pending suit before the federal and cassation court against the New York and Bermudez Company; and in regard to the revision of the award in the Olcott case.

As before stated, when a change was made in the head of the United States legation by the appointment of His Excellency Mr. Russell, there arrived in Venezuela in company with the new diplomatic representative the honorable Judge Calhoun, who, according to well-founded information, came on a confidential mission from His Excellency the President of the United States, for the purpose of making an impartial examination of the suits which were then being tried before the courts of the Republic against the New York and Bermudez Company. The Government of Venezuela, in its desire to enlighten

Judge Calhoun in regard to our judicial procedure and the laws of the Republic, extended to him through its official agents all facilities for the better fulfillment of the mission which had been intrusted to him. On the return of this honorable judge to his own country, it was reasonably deduced from information in the American press and from the subsequent attitude of the Department of State of the United States that the report of said judge had rectified the opinion of the department in regard to the pretensions of interested parties who had previously secured diplomatic action by making assertions emanating from sentiments of self-interest after a long and passionate struggle.

As above stated, then, since the events referred to, that is, for a space of two years, the Government of the United States has taken no diplomatic action in regard to the three questions above mentioned.

Recently, on March 30 of the present year, His Excellency Mr. W. W. Russell delivered to this department a note, calling anew the attention of the Government to the three claims of Jaurett, the New York and Bermudez Company, and the Orinoco Steamship Company, and presenting in addition to other claims one in the name of Manoa Company (Limited), Orinoco Company (Limited), and the Orinoco corporation and the other called by the name of Critchfield.

Mr. Russell accompanied his note with the copy of the instructions that had been sent to him by the Department of State in support of said claims.

The restorer of Venezuela and the Constitutional President of the Republic, having considered these claims, gave instructions to this department to answer the note and memorandum in the precise and concrete terms as will appear from the memorandum which this department in turn sent to the American legation on the 23d of last April.

In this memorandum there are ratified the opinions and statements which had been set forth and adopted by the Government of Venezuela in the diplomatic discussion of two years ago in regard to the cases of Jaurett, revision of the award of the umpire in the claim of the Orinoco Steamship Company, and the submission to an international arbitration of the suit against the New York and Bermudez Company, thus taking the latter away from the jurisdiction of the natural and competent tribunals of the Republic.

In regard to the petition for arbitration in the claim of the Orinoco corporation, which is said to be the concessionary of the Manoa Company and the Orinoco Company (Limited), the Government contends that this is a case of *res adjudicata*, according to the definitive sentence of the umpire of the Venezuelan-American mixed commission in the claims which the Government of the United States presented to said commission in the name of said companies, viz, Manoa (Limited), Orinoco (Limited), and George Turnbull. The above-mentioned sentence fixed the status of the interested parties to the questions and controversies arising from the interpretation and execution of the contract as within the exclusive jurisdiction of the tribunals of Venezuela, as the only competent tribunals, and to which the interested parties should have applied for their rights. This position is the one which the Government of Venezuela maintains and sustains and on which it stands on the present question.

In the fifth case, or the Critchfield claim, the Government considers that as the Congress of the Republic did not approve the contract on which Mr. Critchfield bases his claim, an approval which was at the date of said contract a constitutional requisite, indispensable for its validity, said claim is wholly without foundation, the more so as all controversies in regard to this point should be submitted only and exclusively to the tribunals of Venezuela, in conformity with the law. However, the Government, desiring to conciliate in a friendly manner the pretensions of Mr. Critchfield in regard to the exonerations of certain dues and facilities for the exploitation of his mine, drew up a plan of arrangement with the representative of Critchfield which amounted to nothing, as it was not considered by the interested party, all of which is shown in the memorandum to which reference has been made.

Mr. Russell has advised this department of the receipt of the memorandum and of its having been sent to the Government of the United States of America.

The Republic of Venezuela forming a part of the International Sanitary Bureau established in Washington for the purpose of lending efficient aid to the several countries represented at the First General International Sanitary Convention, which convened in the same city, the Constitutional President of the Republic determined in the month of October, 1905, to send a delegate to the Second Convention, which was to convene at once in the capital city of the United States of America. Mr. N. Veloz Goiticoa, *chargé d'affaires* of Venezuela, was appointed delegate and attended the sessions, signing ad referendum the

Convention agreed upon by the delegates of the eleven nations who had sent representatives. This convention is for the purpose of making uniform sanitary measures in America; adopting suitable methods for preventing the propagating of sicknesses from one country to another, and to simplify at the same time the special health rules which make difficult the transit of people, baggage, and merchandise.

The chargé d'affaires of Venezuela in Washington informed this department on June 7, 1906, that the President of the United States of America had ratified, with the consent of the Senate, the above-mentioned convention, and this department has been informed also of the ratifications which have in turn been made by Peru and Costa Rica and of the adherence to the said convention of the Republic of Honduras.

On January 10 of the present year this department sent to the bureau of hygiene of this district a copy of the work published by the Government of the United States containing all the acts of the Second International Sanitary Convention of the American Republics, to be duly studied and considered.

In the section "documents" there is inserted the text of the convention signed ad referendum for your examination and approval in conformity with section 12, article 52, of the Constitution.

The United States legation forwarded to this department, in the name of its Government, an invitation for the Republic of Venezuela to take part in an International Naval, Maritime, and Military Exposition in the vicinity of Hampton Roads, Va., to commemorate on May 13, 1907, the establishment at Jamestown of the first colony of English-speaking people on the American Continent. The Government of Venezuela, with a due regard for the significance of such an important event, expressed its gratitude to the Government of the United States for the honored invitation.

Latterly the chargé d'affaires ad interim of the United States delivered to this department the invitation which the president of the board of directors of the International Exposition of Jamestown addressed to General Cipriano Castro repeating said invitation. In regard to this invitation it was explained to the North American diplomatic representative that owing to circumstances wholly foreign to the wishes already expressed as to the participation by Venezuela in said exposition it had not been possible for the national executive to issue the necessary orders for the proper naval and military representation of the Republic at that solemn function.

Our diplomatic relations with the Government of the United States have been carried on in the city of Washington in a most cordial and satisfactory manner by Dr. Rafael Garbiras Guzman as chargé d'affaires since the beginning of 1906. At present, on account of Doctor Garbiras having to attend the sessions of Congress, the secretary of legation, Mr. A. Pulido, remains as chargé d'affaires ad interim.

From the documents inserted in the section corresponding you will learn of the suit in the New York courts against Capt. George B. Boynton, Attorney L. H. Thompson, a certain Wilcox, and the Keller brothers for counterfeiting dies for the clandestine fabrication of Venezuelan silver money.

As a result of that suit, up to the present, the following have been sentenced, viz: Captain Boynton, six months hard labor; Thompson and Wilcox fined, and the trial of the Keller brothers not yet finished.

The legation of Venezuela acted diligently in bringing about the discovery and punishment of the counterfeiters, and most important services were rendered in this affair by John E. Wilkie, esq., chief of the secret police of the Treasury Department at Washington.

REGISTRATION OF PORTO RICANS.

File No. 10570/-23.

Minister Russell to the Secretary of State.

No. 258.]

AMERICAN LEGATION,
Caracas, December 7, 1907.

SIR: I have the honor to inclose you herewith seven documents referring to the registration of naturalized American citizens at the consular agency in Caracas. I instructed the consular agent not to

deliver these certificates to the applicants until I had time to refer the cases for the consideration of the department. Statements from the applicant for registration are forwarded in each case, together with several certificates of naturalization and expired passports. I do not think there is any doubt in the cases of Mr. Heny and Mr. Schluter, and I respectfully recommend that certificates of registration be issued to them.

In the five other cases I make no recommendations, as there appears to be some doubt as to the right of the applicants to claim protection as American citizens.

A great many Porto Ricans have applied to be registered at the consular agency here, and I would like instructions as to the form of certificate to be given residents of the insular and territorial possessions of the United States. Form 210—Consular is only made out for native or naturalized citizens.

I have, etc.,

WILLIAM W. RUSSELL.

File No. 10570/-23.

The Secretary of State to Minister Russell.

No. 114.]

DEPARTMENT OF STATE,
Washington, December 21, 1907.

SIR: The department has received your No. 258, of the 7th instant, inclosing seven applications for registration as citizens of the United States made before the consular agent at Caracas.

The department's circular instruction of April 19, 1907, entitled "Registration of American Citizens,"^a provides that registration shall be made before principal consular officers, and these applications should, therefore, be sent to the consul at La Guayra.

With reference to your inquiry concerning the registration of Porto Ricans you are informed that the department has ruled that they may be registered under the same regulations as are applicable to citizens of the United States, the forms being so amended as to describe them as citizens of Porto Rico.

The papers are returned herewith.

I am, etc.,

ELIHU ROOT.

OPENING OF THE PORT OF PAMPATAR, MARGARITA ISLAND.

File No. 8430-1.

Minister Russell to the Secretary of State.

No. 231.]

AMERICAN LEGATION,
Caracas, August 30, 1907.

SIR: I have the honor to inclose you herewith a copy and translation of the executive decree by which Pampatar, Island of Margarita, is made an open port.

I have, etc.,

WILLIAM W. RUSSELL.

^a See under "Circulars."

[Inclosure.—Translation.]

General Cipriano Castro, restorer of Venezuela, and constitutional President of the Republic, in exercise of the powers with which I am vested:

DECREE.

ARTICLE 1. The port of Pampatar is hereby constituted the only open port for the importation and exportation of the Island of Margarita, in accordance with the provisions of article 20, Law XIV of the Hacienda Code.

ART. 2. The ultramarine period given in article 225, Law XVI of the Hacienda Code, and counting from the date herewith, is granted for the purposes of carrying out this decree; and at the end of said period the custom-house at Pampatar shall proceed to collect import duties, the same as the other open ports of the Republic.

ART. 3. The executive decree of April 5, 1905, is hereby annulled.

ART. 4. The minister of hacienda and public credit is charged with the execution of this decree.

Given, signed, sealed, etc., etc., etc.

(Signed)

CIPRIANO CASTRO.

INTERNATIONAL DIPLOMATIC CONFERENCES.

THE SECOND PEACE CONFERENCE.

(Continued from Foreign Relations, 1905, pp. 828-830, and 1906, pp. 1625-1642.)

CORRESPONDENCE CONCERNING THE VISIT OF MR. DE MARTENS TO THE CAPITALS OF EUROPE, AND THE INCLUSION OF THE SUBJECT OF DISARMAMENT IN THE PROGRAMME FOR DISCUSSION AT THE PEACE CONFERENCE.

The Secretary of State to Ambassador Tower.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, January 15, 1907.

(The Russian ambassador gives the information that Professor Martens is to proceed during the week to visit Berlin, Paris, London, The Hague, Rome, and Vienna, in the order named, to exchange views with the respective Governments concerning the organization of the Second Peace Conference and the selection of a convenient date for its meeting. The Russian Government suggests, as he can not visit Washington, that he confer with one of the American ambassadors at those capitals. Mr. Tower is authorized to meet Professor Martens for the indicated purpose. This Government makes no suggestion as to organization, assuming that it will be much the same as that of the First Conference, and will insure equality of participation. Some day in May or early June is suggested, but deference is to be paid to the wishes of the Netherlands Government, as the conference is to enjoy its hospitality.)

The information is added that the department has been in correspondence with the Government of Russia concerning the reservation made by the United States at the outset of the right to bring forward the two questions of the reduction of armaments and the employment of force to collect contractual debts owing by one Government to the citizens of another. This Government desires to be at liberty to elicit the sense of the conference as to whether these subjects are germane to the objects of the conference and proper to be discussed.)

(Similar telegrams to American embassies at London and Rome.)

Ambassador White to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Rome, January 12, 1907.

(Mr. White has just asked minister for foreign affairs as to feeling in Rome respecting discussion of disarmament question at The Hague, in view of Monsieur Martens' approaching visit. Finds that the position of Italian Government is as stated in the first paragraph of Hitt's telegram of November 18. They are, however, desirous that the question be raised at the conference. Foreign minister recently announced in the Chamber of Deputies that if England proposes anything practicable at The Hague in the direction of disarmament Italy will associate herself therewith.)

Ambassador Tower to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Berlin, January 23, 1907.

(Mr. Tower had an interview with Professor Martens January 22. The latter says the Russian Government prefers the last half of May or the beginning of June as the date of meeting for The Hague Conference, and he will propose that date to the Dutch Government. He says also that it is intended to make the organization the same as that of the First Conference with equality of participation, each country having 1 vote, though many more countries have been invited now than before, and there will probably be 47 delegations present altogether. He declares emphatically that Russia has no wish or intention to limit or prescribe the subjects which shall be presented to the conference for discussion, but on the contrary the Russian Government desires to leave each country free to bring any subject that it sees fit before the conference, with discussion and determination. He suggests, however, that it will be far better to deal with particular subject in the open conference if an announcement has been made or any intimation given beforehand that it is the intent of a certain government to present a certain subject or subjects to the conference for discussion. Such an intimation may be given to the Russian Government through diplomatic channels and will then be notified by it to the other countries in the final protocol calling the conference together. Whilst he declares that this method is not obligatory in any respect, he strongly recommends it, because otherwise if a subject, such as disarmament, for instance, or the forcible collection of debts, were presented to the conference without notice the result might be that some of the delegations would plead surprise and, under the excuse of not having instructions, would turn aside and refuse to take part in the discussion, thus leaving the subject without standing in court. He thinks it would be better to have a distinctly hostile vote after due discussion than to allow any question thus to go by default. Mr. Tower says that Professor Martens will remain in Berlin until after February 1, and he will have ample time to transmit to him any communication sent from the Secretary of State.)

Ambassador Tower to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Berlin, January 25, 1907.

(Mr. Tower has had another interview with Professor Martens and has informed him that the date for the conference, the end of May or beginning of June, is acceptable to the United States; also that the form of organization of equality of participation, each country having one vote, is acceptable to the United States Government. Professor Martens says he thinks that the word "propose" is rather strong as used in Mr. Tower's telegram to the Secretary of State of January 23, in which he said, in regard to the last half of May or the beginning of June, that Mr. Martens will propose that date to the Dutch Government. He wishes Mr. Tower to say now that he will mention that date to the Dutch Government, stating at the same time that it will be acceptable to the Russian and American Governments. Mr. Martens expects to leave Berlin Wednesday, January 30.)

Ambassador Tower to the Secretary of State.

[Telegram.—Paraphrase.—Extracts.]

AMERICAN EMBASSY,
Berlin, January 31, 1907.

(Mr. Tower says that he has been able to ascertain that Germany accepts the programme of Russia for the conference, but is strongly disinclined to the discussion of any subjects not contained in that programme, and is opposed to the question of disarmament. Mr. Tower adds that the German secretary of state for foreign affairs declared yesterday to him in a conversation at the foreign office that Germany finds material enough in the Russian programme as already announced, and does not think it necessary to add any new subjects to it for discussion at The Hague. He says that Germany favors last of May or 1st of June as date of meeting and agrees to the same form of organization as at the last conference. Professor Martens is to leave Berlin January 31 for Paris, whence he goes afterwards to London. He wishes his suggestion renewed to the Secretary of State that if the United States Government intends to present any new questions to the conference for discussion a notice of such intention may be sent to Russia as soon as convenient, in order that it may be communicated to the other powers in the programme which will accompany the invitation.)

Ambassador Reid to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
London, February 22, 1907.

(Mr. Reid says that Sir Edward Grey has now communicated the result of his final interview with M. Martens, the position of the

British Government being the following: That they adhere to their opinion that the subject of disarmament should be discussed under the form of "Expenditure on armaments," and that they feel that the conference would lose prestige if it separated without venturing to touch the question, in view of the interest expressed on the subject at the interparliamentary conference last year, at which so many countries were represented, and that the discussion must be a serious one and not one simply raised and buried in half an hour; that the British Government would not think a discussion between the great powers desirable before the conference met, but they would be willing to receive the views of the other powers on the subject if they wished to send them to this Government. They thought it might be more profitable, supposing there were difficulties at the conference, for the great powers to continue the discussion among themselves afterwards. Professor Martens asked whether the British Government would be satisfied with a discussion at the conference which resulted in the expression of an opinion that each power should devote its attention to the question, to which the reply was that the British Government would not go so far as to say that this was not better than nothing, but that it would amount to very little and they would not be content with it so long as there was hope of something better. M. Martens then asked if the British Government could now say whether they themselves intended to propose the question at the Conference, to which Sir Edward Grey responded that they could not, but thought it would be sufficient that Russian Government should state in their invitation that His Majesty's Government attached great importance to the question being brought forward. Sir Edward Grey understands that Germany and Russia will not oppose discussion of the subject of disarmament as above designated. Professor Martens said that great powers were the only ones vitally interested in the subject of disarmament, and much time would be lost in the discussion of the question by the smaller powers at the conference. He therefore suggested that a committee should be formed of the great powers at the conference, who would submit the result of their deliberations to the conference for discussion. Sir Edward Grey was not disinclined to regard this favorably. Mr. Reid then asks to be advised as to the view of the secretary in regard to this suggestion.)

Ambassador White to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Rome, March 1, 1907.

(Mr. White has long conversation with Professor Martens, who declares Russian Government is not opposed to disarmament discussion and does not wish to be so considered, but wants conference to proceed without friction; feels strongly if question raised it should be seriously discussed, referred to a committee for full consideration, and not disposed of in one or two sittings. In order to insure this the Russian Government considers it to be indispensable that all delegates should receive instructions based on knowledge by their Governments of what is proposed. Hence he urges that the United

States, or whatever nation intends introducing that subject or Drago doctrine, send Russian Government at an early date draft of proposal, which it will refer to all the Governments sending representatives, not with a view to obtaining their assent to discussion thereof, but that their delegates may be prepared for its series consideration. He says much misconception exists through ignorance of what is to be proposed and that there is a great fear in certain countries lest something impossible for them to accept be suddenly sprung upon the conference.)

The British Chargé to the Secretary of State.

BRITISH EMBASSY,
Washington, March 22, 1907.

MY DEAR MR. SECRETARY: My Government have instructed the British ambassador at St. Petersburg to make a communication to the Russian Government in the sense of the accompanying memorandum, respecting the discussion of the question of expenditure on armaments at the Peace Conference.

I am now directed to inform you of the action of His Majesty's Government.

I have the honor, etc.,

ESME HOWARD.

[Inclosure.]

MEMORANDUM.

BRITISH EMBASSY,
Washington, March 22, 1907.

His Majesty's Government have informed the Russian Government that they reserve the right to raise the question of expenditure upon armaments at the forthcoming Peace Conference, and attach importance to the discussion of this question.

It has been suggested that the Russian Government should state this in the invitation issued to the nations represented at the conference.

The Russian Government has furthermore been informed by His Majesty's Government that they (His Majesty's Government) would agree that the question should, when received, be referred to a committee representing the great powers, and that this committee should report to the conference.

In the opinion of His Majesty's Government this committee should not be composed of military and naval experts. These might, however, attend in a special capacity.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, March 26, 1907.

DEAR MR. AMBASSADOR: Adverting to your memorandum in regard to bringing before the Second Hague Conference the question of reduction of armaments, I have the pleasure to communicate to you, for the information of His Majesty's Government, copy of a note^a I am to-day sending to the Russian ambassador, in which I request that the Russian Government include in their letter of invitation to

^a Note of this date, following.

the powers a statement of the fact of the right of the United States to propose the subjects as to which we reserved liberty of proposal in a note which I addressed to Baron Rosen on the 7th of June, 1906, namely, the reduction or limitation of armaments, and the attainment of an agreement to observe some limitations upon the use of force for the collection of ordinary public debts arising out of contracts.

Our embassy has already communicated to Sir Edward Grey copy of my note of June 7, 1906, as well as copies of the later explanatory correspondence on the subject, comprising a memorandum of Baron Rosen dated November 12, 1906, and my reply of December 20, 1906.

I am, etc.,

ELIHU ROOT.

The Secretary of State to the Russian Ambassador.

DEPARTMENT OF STATE,
Washington, March 26, 1907.

DEAR MR. AMBASSADOR: In the course of his recent conversations with the American ambassadors at the important capitals of Europe, Monsieur de Martens suggested that it would be appropriate to advise the powers in advance of the Second Peace Conference at The Hague of the questions to be brought forward. Regarding this suggestion as timely, I beg that you will ask your Government to include in their letter of invitation a statement of the fact of the right of the Government of the United States to propose the matters stated in the reservations made in my note to you on June 7, 1906, namely, the reduction or limitation of armaments and the attainment of an agreement to observe some limitations upon the use of force for the collection of ordinary public debts arising out of contracts.

Accept, etc.,

ELIHU ROOT.

The Italian Ambassador to the Secretary of State.

[Translation.]

No. 863.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., April 5, 1907.

MR. SECRETARY OF STATE:

The reduction of armaments is one of the questions that will be brought before the forthcoming conference at The Hague. It figures in the programme of the United States, which thereby clothes it with special importance. The Government of the King of Italy takes no less interest in it. Now, according to an earlier declaration of the ambassador of Germany at Rome, the Imperial Government, while making no objection to the question being raised and discussed, would not allow its delegates to take a part in the discussion or in the vote that may follow, wishing to be free from any engagement on this point. This attitude was recently confirmed by Prince Bülow to His Excellency Mr. Tittoni in a colloquy between the two statesmen at Rapallo, in the course of which the imperial chancellor explained to the Italian minister of foreign affairs that

Germany had no reason for opposing such a discussion, but could not assent to a solution that might be antagonistic to her interests.

The views of the Italian Government on the question of the reduction of armaments had already been disclosed to the Parliament. On June 14, 1906, at the chamber of deputies, Mr. Tittoni declared that he applauded the initiative taken by the British Government and gave the assurance that the Italian delegates would have seconded it, but he pointed out that it was impossible for this or that other power to adhere to partial disarmament if other States maintained theirs, and that it was difficult to find a concrete formula in which all could concur, and, therefore, likely that a generous initiative would still remain in the condition of vague aspiration. This forecast could not fail to become true if the forthcoming conference should presume to settle the question, abruptly and at one stroke, by a vote doomed to sterility, as soon as it lacked the adhesion of all the great powers. This is the reason why Mr. Tittoni, in the interest of a humanitarian cause, is of opinion that, in the absence of a positive and concrete formula in which all the powers would concur, it is expedient to rest content with an intermediate formula, acceptable to all, which will bring the question one more step, and, in all likelihood, a noteworthy step, nearer the solution it can not as yet attain. The British Government has declared that it was disposed to let the question, when once raised, be referred to a committee of the representatives of the great powers. If the English proposal should encounter difficulties, Mr. Tittoni, consistently with the views herein above presented, would have the Italian delegates propose the following:

1. That the question of the reduction of armaments, though not included in the Russian programme, be allowed for discussion by the conference on the condition that the power or powers which desire to raise it give previous notice of their intention to all the participating Governments.

2. That the notice be not confined to general indications, but specify and define the concrete propositions which the power or powers believe will bring the question to a solution.

3. That these propositions shall be taken up only after the Russian programme shall have been discussed and exhausted, as warranted by its right of priority and the adhesion given to it by all the powers.

4. That upon the completion of the discussion of the propositions touching the reduction of armaments, the vote of the conference, if there should be occasion for one, would bear the following import:

If rejected, the conference does not deem the propositions worthy of being considered by the great powers.

If accepted, the conference commends the propositions to the consideration of the great powers.

5. That the propositions which the conference should see fit to commend to the consideration of the great powers be made the subject of direct discussion among them.

Prince Bülow, to whom Mr. Tittoni imparted his intention to introduce the proposition as above condensed, by way of a basis for an understanding among the powers concerning the question under consideration, declared that the Imperial Government would have accepted it, regarding it as a practical *modus procedendi* apt to bring together the adhesion of all.

I should be thankful to your excellency if you would kindly examine it and acquaint me, as soon as possible, with the opinion of the Government of the United States respecting it.

Be pleased to accept, etc.,

MAYOR.

Ambassador Griscom to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Rome, April 6, 1907.

(Mr. Griscom says, regarding the proposals of Italian minister for foreign affairs (Signor Tittoni) concerning The Hague Conference, he may add that Signor Tittoni told him informally that the Italian delegates to the conference would neither take part in the discussion nor vote on the question of limitation of armaments.)

The Secretary of State to the Italian Ambassador.

No. 460.]

DEPARTMENT OF STATE,
Washington, April 11, 1907.

EXCELLENCY: I have had the honor to receive and give careful attention to your note of the 5th instant, in relation to bringing the question of armaments before the approaching conference at The Hague.

It may be safely assumed that the instructions upon which your note was based were given before your Government had cognizance of the Russian circular note of March 22 / April 4, by which the assent of the contracting Hague powers to the Russian tentative programme, and the proposals and reservations as to certain features thereof made by some of those powers, were communicated to the powers invited to take part in the Second Hague Conference. On that assumption I can regard your note as setting forth the proposals and reservations of your Government which, if earlier made known, would doubtless have been stated in the Russian note of April 4. I would not be justified in regarding it as a proposal, at this late day, to set aside all that had been accomplished up to the date of the Russian note, and to invite further discussion among the contracting Hague powers looking to an agreement to limit or forestall the treatment of the matter in question, in advance of the assembling of the Second Hague Conference, to which conference the Russian note relegates the consideration and disposal of the propositions and reservations made by the several powers. I therefore conclude that the present Italian proposition is intended to stand on the same footing as the proposals and reservations notified in the Russian circular of April 4, and to be relegated with them to the conference itself.

With regard to the five proposals set forth in your note, I may observe:

1. This point has been anticipated, previous notice of intention to bring forward the question of the reduction of armaments having been already given by the United States, Spain, and Great Britain and been communicated to the participating powers by the Russian note.

2. In giving such notification, it is conceived that an appropriate course has been followed in limiting the notice to a general statement of the nature of the question to be brought forward, thus following both the form and the analogy of the accepted Russian programme, in which the enumeration of subjects is made in general terms without attempt to formulate concrete proposals. The appropriateness of this course is recognized by the Russian note itself, which admits the still more general proposal of Bolivia, Denmark, Greece, Japan, and the Netherlands to bring before the conference additional subjects analogous to those mentioned in the Russian programme.

3, 4, and 5. This Government does not deem it practicable for the participants to attempt to agree in advance upon a definition of the line of parliamentary treatment of such proposals when brought before the conference. These three propositions of Signor Tittoni would appear to be peculiarly appropriate for consideration by the conference through the action of a committee. The proposition to refer the subject of armaments to a select committee has been heretofore brought to my attention, and I have expressed my view that it would be a practical form of action by the conference itself. That body would obviously be short of one of the essential attributes of deliberative assemblies were its course and conclusions to be prescribed in advance by understandings reached between individual powers taking part in its deliberations. It is to be observed that Signor Tittoni's proposals are conditioned upon the British proposal encountering difficulties. That apprehension has fortunately not been realized, inasmuch as the British proposal has been incorporated without change in the notification to the participant powers made by the Russian note of April 4. If, in the bosom of the conference, difficulties in the matter of its treatment should arise, the proposals of Signor Tittoni could with entire appropriateness be brought forward for consideration and determination by that body, and the Government of the United States would offer no objection to such a course, and, indeed, would feel at liberty to bring forward counter proposals to a like end, if occasion offered.

In conclusion, I have pleasure in expressing gratification that this incident has so strikingly evinced the earnest desire of the Italian Government that every effort shall be made by the participating powers to contribute to the harmonious and effective treatment of all matters germane to the high purposes for which the Second Hague Conference has been convoked.

Be pleased to accept, etc.,

ELIHU ROOT.

ACCEPTANCE OF PROGRAMME AND DATE OF MEETING.

The Russian Ambassador to the Secretary of State.

[Translation.]

IMPERIAL EMBASSY OF RUSSIA,
Washington, D. C., March 22 / April 4, 1907.

The undersigned, ambassador of Russia, by order of his Government, has the honor to make the following communication to his excellency the Secretary of State of the United States:

Before the Second Peace Conference is called, the Imperial Government deems it an obligation to submit to the powers which have accepted its invitation a statement of the present situation.

All the powers to which the Imperial Government communicated in April, 1906, its tentative programme of the labors of the new conference have declared their adhesion thereto.

However the following remarks have been made with respect to that programme:

The Government of the United States has reserved to itself the liberty of submitting to the Second Conference two additional questions, viz, the reduction or limitation of armaments and the attainment of an agreement to observe some limitations upon the use of force for the collection of ordinary public debts arising out of contracts.

The Spanish Government has expressed a desire to discuss the limitation of armaments, reserving to itself the right to deal with this question at the next meeting at The Hague.

The British Government has given notice that it attaches great importance to having the question of expenditures for armament discussed at the conference, and has reserved to itself the right of raising it. It has also reserved to itself the right of taking no part in the discussion of any question mentioned in the Russian programme which would appear to it unlikely to produce any useful result.

Japan is of opinion that certain questions that are not especially enumerated in the programme might be conveniently included among the subjects for consideration, and reserves to itself the right to take no part in or withdraw from any discussion taking or tending to take a trend which, in its judgment, would not be conducive to any useful result.

The Governments of Bolivia, Denmark, Greece, and the Netherlands have also reserved to themselves, in a general way, the right to submit to the consideration of the conference other subjects similar to those that are explicitly mentioned in the Russian programme.

The Imperial Government deems it its duty to declare, for its part, that it maintains its programme of the month of April, 1906, as the basis for the deliberations of the conference, and that if the conference should broach a discussion that would appear to it unlikely to end in any practical issue it reserves to itself, in its turn, the right to take no part in such a discussion.

Remarks similar to this last have been made by the German and Austro-Hungarian Governments, which have likewise reserved to themselves the right to take no part in the discussion by the conference of any question which would appear unlikely to end in any practical issue.

In bringing these reservations to the knowledge of the powers and with the hope that the labors of the Second Peace Conference will create new guaranties for the good understanding of the nations of the civilized world, the Imperial Government has addressed to the Government of the Netherlands a request that it may be pleased to call the conference for the first days of June.

The undersigned embraces this opportunity to renew, etc.

ROSEN.

The Secretary of State to the Russian Ambassador.

DEPARTMENT OF STATE,
Washington, April 6, 1907.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of the note of his excellency the ambassador of Russia, dated the 4th instant, in which, by direction of the Imperial Government, the ambassador communicates the remarks and reservations conveyed to that Government by the several powers invited to the Second Peace Conference, and declares, on the part of the Imperial Russian Government, that it maintains its programme of the month of April, 1906, as the basis for the deliberations of the conference, and that, if the conference should broach a discussion that should appear to the Imperial Government unlikely to end in any practical issue, it reserves to itself, in its turn, the right to take no part in such discussion.

Similar declarations are communicated in behalf of the Imperial German and the Imperial and Royal Austro-Hungarian Governments, and the ambassador further states that the Imperial Russian Government has addressed a request to the Royal Government of the Netherlands, asking that it may be pleased to call the conference for the first days of June next.

The Secretary of State takes due note of his excellency's important communication.

The undersigned avails himself of this occasion to renew, etc.

ELIHU ROOT.

The Minister of the Netherlands to the Secretary of State.

[Translation.]

ROYAL LEGATION OF THE NETHERLANDS,
Washington, D. C., April 10, 1907.

MR. SECRETARY OF STATE: I have the honor to bring to your excellency's knowledge that, according to a communication I have just received from the minister for foreign affairs, the meeting of the Peace Conference at The Hague has been fixed for the 15th of June next.

I am at the same time instructed by the Government of the Queen to invite the Government of the United States to be pleased to send delegates thereto.

Hereby carrying out my orders, I embrace this opportunity to renew, etc.

VAN SWINDEREN.

The Acting Secretary of State to the Minister of the Netherlands.

No. 130.]

DEPARTMENT OF STATE,
Washington, April 18, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 10th instant, by which, in accordance with instructions you have received from your Government, the Government of the United States

is invited to be officially represented by delegates at the Second Peace Conference which is to convene at The Hague on the 15th of June next.

I beg you to be so good as to inform your Government that the Government of the United States accepts the invitation with great pleasure, and that it will at an early date communicate the names of its delegates.

Accept, etc.,

ROBERT BACON.

The Acting Secretary of State to the Minister of the Netherlands.

DEPARTMENT OF STATE,
Washington, May 14, 1907.

SIR: Referring to your note of the 10th ultimo by which, on behalf of your Government, you invite the Government of the United States to send delegates to the Second Peace Conference which is to meet at The Hague on the 15th proximo, and to this department's note of April 18 accepting the invitation on the part of the United States and stating that the names of the American delegates would be communicated to you at an early date, I have the honor to inform you that the delegation from this country to the conference will consist of the following persons:

Commissioners plenipotentiary with the rank of ambassador extraordinary; Joseph H. Choate, of New York; Horace Porter, of New York; Uriah M. Rose, of Arkansas.

Commissioner plenipotentiary: David Jayne Hill, of New York, envoy extraordinary and minister plenipotentiary of the United States to the Netherlands.

Commissioners plenipotentiary with rank of minister plenipotentiary: Brig. Gen. George B. Davis, Judge-Advocate-General, U. S. Army; Rear-Admiral Charles S. Sperry, U. S. Navy; William I. Buchanan, of New York.

Technical delegate and expert in international law: James Brown Scott, of California.

Secretary of the commission: Chandler Hale, of Maine.

Expert attaché to the commission: Charles Henry Butler, of New York.

Accept, etc.,

ROBERT BACON.

THE QUESTION OF ADHERENCE OF NONSIGNATORY STATES TO THE FIRST CONVENTION OF 1899 UNDER ARTICLE 60 TO ENABLE THEM TO PARTICIPATE IN THE SECOND CONFERENCE.

The Secretary of State to Ambassador Riddle.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, February 23, 1907.

(Adverting to Russian circular of April 12 last, Mr. Riddle is directed to ascertain what signatory powers have acquiesced in the proposed formalities for adhesion of nonsignatories to The Hague

conventions. Reference is made to the note of the department of April 19 to the Russian ambassador in which the assent of the United States was given. The department understands that should the other signatories assent to the proposal of April 12, that assent would have the effect of making it certain that the adherence of invited nonsignatories would be accepted and their participation in the approaching conference be assured.)

Ambassador Riddle to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, March 2, 1907.

(Mr. Riddle says he has been informed by minister for foreign affairs that Russian proposition for adherence of nonsignatory powers of First Peace Conference admitting them to participate in the Second Conference has been accepted by all signatory powers except Belgium, China, and Turkey, which have not yet replied.)

Ambassador Riddle to the Secretary of State.

No. 9.]

AMERICAN EMBASSY,
St. Petersburg, March 2, 1907.

SIR: I have the honor to acknowledge the receipt of your cable instructions of the 23d ultimo, and to confirm my cable reply of to-day's date.

I communicated your instructions to the imperial ministry for foreign affairs on the 25th ultimo. I send you for your information a copy of my note to the minister for foreign affairs, as well as a copy and translation of his reply, dated 16 February / 1 March, and received to-day.

I have, etc.,

J. W. RIDDLE.

[Inclosure 1.]

Ambassador Riddle to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
St. Petersburg, February 25, 1907.

EXCELLENCY: Referring to the programme of the Second Peace Conference, I have the honor to request your excellency to be kind enough to inform me what signatory powers have acquiesced in the formalities proposed in Baron Rosen's note to Mr. Root of April 12, 1906, for adhesion of the powers which did not take part in the First Conference at The Hague.

As was stated in Mr. Root's reply, No. 24, of April 19, 1906, assenting to the course proposed in Baron Rosen's note, it is the understanding of the United States that should the other signatories assent to the proposal of April 12, that assent in itself will have the effect of making it certain that the adherence of the invited nonsignatories will be accepted and their participation in the approaching conference be assured.

I take this occasion to renew, etc.,

J. W. RIDDLE.

[Inclosure 2.—Translation.]

The Minister for Foreign Affairs to Ambassador Riddle.

No. 118.]

MINISTRY FOR FOREIGN AFFAIRS,
FIRST DEPARTMENT,
February 16 (March 1), 1907.

Mr. AMBASSADOR: In reply to your excellency's note of February 12/25th, I have the honor to make the following communication:

In order to give to the powers which were not represented at the First Peace Conference the possibility of taking part in the deliberations of the Second Conference which would refer to the convention relative to the peaceful settlement of international conflicts, the Imperial Government has proposed that at the time of the opening of the future conference the representatives of the signatory powers of this convention should sign the following protocol: "The representatives at the Second Peace Conference of the signatory powers of the convention of 1899 relative to the peaceful settlement of international conflicts, duly authorized to this effect, agree that, in the event of States which were not represented at the first Peace Conference but which have been convoked to the present conference notifying the Government of the Netherlands of their adherence to the above-mentioned convention, they will be considered thereby as having acceded to it."

Consequently, should all the signatory powers of the convention relative to the peaceful settlement of international conflicts express their assent to the Russian project, and if, on their part, the representatives of powers which did not participate in the First Conference are provided at the time of the opening of the Second Conference with full powers from their Governments to adhere to the said convention, this adherence will be effected as follows:

The representatives of the powers of the first category, at the opening of the conference, will sign the protocol proposed by Russia. Thereupon, the representatives of the second category will sign the protocol of their adherence to the said convention, after which they will immediately be allowed to participate in all the debates of the conference, without any distinction between them and the representatives of the powers which participated in the conference of 1899.

Upon the receipt of Mr. Root's note, which your excellency quotes, the Russian Ambassador in Washington was immediately instructed to enlighten him in the sense of the indications given here above.

I have the honor to transmit herewith to your excellency a list of the signatory powers of the convention for the peaceful settlement of international conflicts which up to now have expressed their consent to the Russian project.

I avail myself, etc.,

(Signed) ISWOLSKY.

[Subinclosure.]

List of the signatory powers of the convention for the peaceful settlement of international conflicts which have expressed up to February 15 (28), 1907, their assent to the Russian project relative to the adherence to this convention of the powers which were not represented at the conference in 1890:

- | | | |
|------------------------------|-------------------|------------------|
| 1. Germany. | 8. Great Britain. | 16. Holland. |
| 2. Austria-Hungary. | 9. Greece. | 17. Persia. |
| 3. United States of America. | 10. Italy. | 18. Portugal. |
| 4. Bulgaria. | 11. Japan. | 19. Roumania. |
| 5. Denmark. | 12. Luxemburg. | 20. Servia. |
| 6. Spain. | 13. Mexico. | 21. Siam. |
| 7. France. | 14. Montenegro. | 22. Sweden. |
| | 15. Norway. | 23. Switzerland. |

Apart from the powers above mentioned, the following also participated at the Conference of 1899: Belgium, China, and Turkey.

The Acting Secretary of State to the Brazilian Ambassador.^a

DEPARTMENT OF STATE,
Washington, March 5, 1907.

MY DEAR MR. AMBASSADOR: This Government recently instructed its ambassador at St. Petersburg to ascertain from the Russian Government what answer had been received from the signatory powers of the first arbitration treaty of the First Peace Conference to the proposal that the adherence of the nonsignatory American States should be accepted, so as to enable them all to participate in the Second Conference. I am to-day advised by Ambassador Riddle by cable that he is informed by the Russian minister for foreign affairs that assents have been received by Russia from all the signatories except Belgium, China, and Turkey, which have not yet replied.

For greater convenience in appreciating the true force of this information, let me restate the various steps which have been taken upon this subject:

1. In a note dated April 12, 1906, the Russian Government remarked that several of the States invited to participate in the Second Conference had not taken part in the First Conference, and that a difficulty of form only stood in the way of their admission to the Second Conference, that difficulty consisting of the fact that they had not adhered to the arbitration treaty signed at the First Conference and could not adhere without an agreement between the signatory powers.

That difficulty Russia proposed to dispose of by the suggestion that on the opening of the Second Conference the representatives of the States, parties to the First Conference, should sign the following protocol:

The representatives at the Second Peace Conference of the States signatories of the convention of 1899 relative to the peaceful settlement of international disputes, duly authorized to that effect, have agreed that in case the States that were not represented at the First Peace Conference, but have been convoked to the present conference, should notify the Government of the Netherlands of their adhesion to the above-mentioned convention they shall be forthwith considered as having acceded thereto.

The assent of the signatory powers to this proposal was asked by Russia.

2. The United States promptly gave its assent to the course in a reply which said:

It is the understanding of the United States that should the other powers who took part in that conference (the First Conference) assent to the proposal of your note of April 12, that assent in itself will have the effect of making it certain that the adhesion of the powers which did not take part in the First Conference will be accepted, so that their representatives can go to the Second Conference without feeling that there is any uncertainty as to whether they can take full part in the conference.

3. To this note the Russian Government replied as follows:

The desire that the newly invited powers be permitted from the outset to participate in the conference is the basis of our project for the settlement of

^aThe above note also sent to minister to Uruguay, minister to Dominican Republic, minister to Panama, minister to Nicaragua, minister to Peru, chargé d'affaires ad interim of Guatemala, chargé d'affaires ad interim of Honduras, minister of Costa Rica, minister of Colombia, minister of Bolivia, minister of Argentine Republic, minister of Haiti, chargé d'affaires ad interim of Chile, chargé d'affaires ad interim of Venezuela, minister of Ecuador.

the question of their adhering to the first convention of 1899. If all the signatory powers accept this procedure, the conference will not have to pass upon the question of adhesion. To our mind, the conference will have but to take formal notice of that fact at its first session, in which all the powers that have adhered to the second and third conventions and declared their desire to adhere to the first shall be permitted to take part.

The fact that the necessary assent to this procedure has been received from all the powers except Belgium, China, and Turkey, which have not yet replied, seems to leave no doubt that the Russian proposal will be accepted by all the powers and to justify preparations for attendance at the Second Conference upon this assumption.

I have communicated this information under the impression that it may contribute to your convenience, in view of the fact that the time before the meeting of the conference is growing short and that the Russian Government may not deem it proper to communicate with you until all the answers have been received.

I am, etc.,

ROBERT BACON.

The Secretary of State to Ambassador Riddle.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 19, 1907.

(Mr. Riddle is directed to make inquiries and to cable when Belgium, China, and Turkey assent.)

The Secretary of State to Ambassador Leishman.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 22, 1907.

(Adverting to Russian circular of last April, Mr. Leishman is directed to ascertain whether Turkey will acquiesce in the proposed formalities for the adhesion of nonsignatories to The Hague Convention of 1899 relative to the peaceful settlement of international conflicts. Department is advised that all signatory powers except Belgium, China, and Turkey have notified Russia of their assent to proposal. Reply by cable is desired.)

(Similar telegram sent to American legations at Peking and Brussels.)

Minister Wilson to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Brussels, March 24, 1907.

(Mr. Wilson advises the department that he is in receipt of a note from the foreign office giving information that the Belgian Govern-

ment "does not offer any objections to the Russian proposition concerning the adhesion of nonsignatory powers to the convention of 1899, if this proposition receives the assent of all the signatory powers which is required by article 60 of the said convention.")

The Secretary of State to Minister Wilson.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 27, 1907.

(The department refers to Mr. Wilson's telegram of 24th and says it understands that Turkey, although signatory, has not ratified Hague conventions of 1899, and is not represented in permanent court. Mr. Wilson is directed to inquire if under these circumstances Turkey, not having consummated engagements, can be regarded as a party and Turkish assent required to constitute unanimity. If so, embarrassing situation would be created prejudicial to powers who are parties in full standing, inasmuch as Turkey is obviously not in a position to fulfill article 60 or any other obligation of convention of 1899.)

The Secretary of State to Minister Rockhill.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 27, 1907.

(Department is advised of the Belgian assent conditional on unanimity of Hague signatories. Delay on part of China may cause embarrassment. Mr. Rockhill is directed to request Chinese Government to cable assent promptly to Russian Government and notify the Government of the Netherlands that it has done so.)

The Secretary of State to Ambassador Riddle.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 27, 1907.

(Minister to Belgium reports Belgium will not object to proposal for adherence nonsignatories when assent of all signatories is given. Department understands Turkey, although signatory, has not ratified conventions of 1899 and is not represented in permanent court. Mr. Riddle is directed to inquire if, under these circumstances, Turkey is to be treated as a party to The Hague engagements on the same footing as the signatories who have consummated the conventions. He is also to make inquiry when announcement of date of the Second Conference may be expected.)

The Secretary of State to Minister Hill.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 27, 1907.

(Department has not been notified that Turkey, although signatory, has ratified Hague Convention of 1899, and learns that Turkey is not represented in permanent court. Department is informed that Belgium will not object to Russian proposal for adherence of non-signatories when assent of all other signatories given. Direction is given to inquire as to Turkish status and to ascertain Netherlands view as to treating Turkey on same footing as powers who have consummated Hague conventions, and also when formal announcement of date of forthcoming conference may be expected.)

Minister Hill to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
The Hague, March 28, 1907.

(Turkey has signed but not ratified all three Hague conventions and is not represented permanent court or administrative council. Turkey is the only signatory that has not ratified and has been notified by the Netherlands that until she has ratified she can not participate in the revision of the treaties or discussions. Difference between Turkey and nonsignatories is that Turkey has only to ratify while others can accomplish adherence only under article 60, convention of arbitration. Netherlands is waiting for Russia to name date of conference.)

Minister Rockhill to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Peking, March 29, 1907.

(Mr. Rockhill says that the under secretary for foreign affairs informed him yesterday that the Chinese Government assents and that telegraphic instructions will be sent, as department suggests.)

Minister Wilson to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Brussels, March 29, 1907.

(Mr. Wilson informs department that he has just received from foreign office the following note verbale: The Government of the King has made known to St. Petersburg that it has no objection that

the mode of adhesion proposed by the Russian Government be adopted, since this procedure would appear to meet with the assent of all the contracting States required by article 60 of the convention. In using the wording "signatory powers" in the unofficial note of March 23, it was meant to describe by that the "contracting" powers to the terms of the said article 60. Regarding the special situation of Turkey, which signed and did not ratify the convention and to which Russia addressed the circular April 19, 1906, it is supposed that explanations in this respect will ultimately be given. The Imperial Government is alone in a position to reply at the present time to the question. Mr. Wilson states that they are not advised in what terms the invitation to take part in new conference has been addressed by it to the Ottoman Government.)

The Secretary of State to Ambassador Riddle.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, March 30, 1907.

(Minister to Brussels, responding to an inquiry made by department, communicates the following note verbale, received from the Belgian Government: "The Government of the King has made known to St. Petersburg that it has no objection that the mode of adhesion proposed by the Russian Government be adopted, since this procedure would appear to meet with the assent of all the contracting States required by article 60 of the convention. In using the wording 'signatory powers' in the unofficial note of March 23, it was meant to describe by that the 'contracting' powers to the terms of the said article 60. Regarding the special situation of Turkey which signed and did not ratify the convention and to which Russia addressed the circular April 19, 1906, it is supposed that explanations in this respect will ultimately be given. The Imperial Government is alone in a position to reply at the present time to the question. We are not advised in what terms the invitation to take part in new conference has been addressed by it to the Ottoman Government.")

It would appear from this communication that Belgium does not regard Turkey as a validly contracting party to the terms of article 60. The assent of China and Belgium being now given, making the assent of the contracting powers unanimous, the requirements of article 60 are obviously fulfilled. To subordinate those requirements to the additional contingency of Turkey's ratifying The Hague conventions and effectively becoming a party would introduce a new condition which in turn would require the unanimous consent of all the parties to The Hague conventions and import great uncertainty and delay. The direction is given to impress this view on Russian Government, stating that it is assumed the agreement of the powers to the Russian proposal will be followed forthwith by appropriate notification to the nonsignatories who have been invited.)

Ambassador Riddle to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, April 2, 1907.

(Mr. Riddle states that the Russian Government is urging the Turkish Government to ratify the convention, as otherwise it can not take part in the Second Conference, but in case of noncompliance Russian ministry for foreign affairs agrees with the view that the requirements of article 60 will be fulfilled by the assent of all contracting powers. Notification to nonsignatory powers will shortly be made by the Russian ambassador at Washington to their representatives in that capital. Invitations to Second Conference at the date of June 15 will be issued by the Government of the Netherlands probably next week.)

The Acting Secretary of State to Ambassador Riddle.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 2, 1907.

(The department has received cablegram from St. Petersburg. It would be obviously extremely necessary that if Turkish Government ratify convention before meeting of conference, such ratification should be accompanied by assent under article 60, so that no question thereunder can be revived and operate to delay notification to nonsignatories.)

Minister Hill to the Secretary of State.

No. 205.]

AMERICAN LEGATION,
The Hague, April 2, 1907.

SIR: Referring to my No. 191, dated March 16, 1907, relating to the bill for the admission of nonsignatories of The Hague Convention to the Second Peace Conference, I have the honor to inclose herewith, in duplicate, copies of the law of March 15, 1907, together with translation of the same.

I have, etc.,

DAVID J. HILL.

[Inclosure.—Translation.]

(No. 73.) *Law of the 15th of March, 1907, relating to the reservation of the authority to conclude treaties respecting the adherence of nonsignatories, who were not represented at the International Peace Conference of 1899, to the treaty for the pacific settlement of international disputes, which was concluded at The Hague on the 29th of July, 1899.*

We, Wilhelmina, by the grace of God, Queen of the Netherlands, Princess of Orange, Nassau, etc.

To all whom this shall concern, Greeting! do proclaim:

That whereas we have deemed it desirable that we be authorized to conclude treaties respecting the adherence of nonsignatories, who were not represented at

the International Peace Conference of 1899, to the treaty for the pacific settlement of international disputes, which was concluded at The Hague on the 29th of July, 1899;

In observance of the provisions of the second and third clause of article 59 of the constitution;

Hence, we have heard the council of state, and, with the general consent of the states-general, have agreed and understood, as we do hereby approve and understand:

ARTICLE 1.

We do reserve the authority to conclude treaties respecting the adherence of nonsignatories, who were not represented at the International Peace Conference of 1899, to the treaty for the pacific settlement of international disputes, which was concluded at The Hague on the 29th of July, 1899, ratified by the law of the 9th of April, 1900 (Official Gazette No. 54).

ARTICLE 2.

This law shall go into effect on the day of its proclamation.

We do order and command that this be inserted in the Official Gazette, and that all ministerial departments, authorities, corporations, and officials concerned shall strictly observe the exact execution of the same.

Given at The Hague this 15th day of March, 1907.

WILHELMINA.

VAN TETS VAN GOUDRIAAN,

The Minister of Foreign Affairs.

Issued this 20th day of March, 1907.

E. E. VAN RAALTE,

The Minister of Justice.

Ambassador Riddle to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
St. Petersburg, April 4, 1907.

(Mr. Riddle states that the Russian Government is sending instructions by telegraph to Russian ambassador to Turkey that if Turkish Government ratifies the convention it should at the same time assent to Russian circular regarding nonsignatories.)

Minister Hill to the Secretary of State.

No. 206.]

AMERICAN LEGATION,
The Hague, April 4, 1907.

SIR: I have the honor to acknowledge receipt of department's instruction No. 72, of March 18, 1907, inclosing a copy of a circular note to the American nonsignatories, relative to their adherence to The Hague Convention of 1899, and also the following telegram of March 29:

AMERICAN LEGATION,

The Hague:

Minister to China reports Chinese Government assents Russian proposal adherence nonsignatories and will send telegraphic instructions.

Root.

As the circular had not been received when the telegrams of March 27 and 28 were exchanged between the department and this legation, I have thought it expedient, although the purpose of the department's inquiry regarding the status of Turkey was clearly understood, in order to be certain that no embarrassment would arise regarding the adhesion of the American nonsignatories, to discuss the subject with the Minister for Foreign Affairs of the Netherlands in the light of this new information.

I may state, therefore, that the Government of the Netherlands shares the view that, as Turkey has not yet ratified The Hague conventions, her assent would not be necessary to the unanimous assent of the powers taking part in the First Conference. If, therefore, as stated, the assent of China has been obtained, and the assent of Belgium is given on condition that the other powers agree, unanimity has already been obtained, unless Turkey should now ratify the treaties, in which case her assent also should be requested. This would naturally be done by the Russian Government; and it is suggested that, in view of the contingency of her ratification at the last moment, Turkey should be requested to take action upon that proposal at the same time that she performs her act of ratification.

The minister of the Netherlands is of the opinion that no embarrassment is likely to arise with reference to the admission of the nonsignatories invited to attend the Second Conference, provided the delegates of those powers are duly provided with full powers authorizing adhesion to the conventions of 1899 by their respective Governments. It is important, however, that they should possess powers to this effect admitting of no doubt or ambiguity, as adhesion to these conventions will be necessary to admission to the conference.

The minister informs me that he will expect signatures to the protocol on the part of the assenting Governments and notification of adherence by the nonsignatories, as preliminaries of the Second Conference, and advises that these be promptly produced, in order to avoid embarrassing questions.

I have, etc.,

DAVID J. HILL.

Ambassador Riddle to the Secretary of State.

No. 27.]

AMERICAN EMBASSY,
St. Petersburg, April 6, 1907.

SIR: In reference to my cable of the 4th instant I have the honor to inclose herewith copy and translation of a notice, dated the 5th April, 1907, received from the foreign office with regard to Turkey's consent to the mode of adherence to the convention of 1899 concerning the pacific adjustment of international disputes.

I have, etc.,

J. W. RIDDLE.

[Inclosure.—Translation.]

The Minister for Foreign Affairs to Ambassador Riddle.

NOTICE.

No. 207.]

MINISTRY FOR FOREIGN AFFAIRS,
FIRST DEPARTMENT,
March 23 (April 5), 1907.

The Russian ambassador at Constantinople has been instructed to draw the attention of the Ottoman Government to the necessity of giving its consent to the signature of the protocol proposed concerning the manner of adherence to the convention of 1899 relative to the peaceful settlement of international disputes, in case Turkey ratifies this act before the meeting of The Hague Conference.

The imperial ministry hastens to bring the foregoing to the knowledge of the American embassy in reply to the verbal representations made by His Excellency Mr. Riddle to the minister for foreign affairs.

Ambassador Leishman to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN EMBASSY,
Pera, April 14, 1907.

(Mr. Leishman states that the minister for foreign affairs sent word informally yesterday that the sublime porte has adhered to the Russian proposition regarding the attendance of the nonsignatory powers to the next Hague Conference.)

The Secretary of State to Minister Hill.

[Telegram.—Paraphrase.]

DEPARTMENT OF STATE,
Washington, April 17, 1907.

(Minister Hill's No. 206 is acknowledged. Article 60 of The Hague arbitration treaty says:

The conditions on which the powers who were not represented at the International Peace Conference can adhere to the present convention shall form the subject of a subsequent agreement among the contracting powers.

The Russian Government, in its note of April 12, 1906, has set out a copy of a proposed agreement under this provision and all the contracting powers have now assented to it. It provides that in case the States not represented at the First Conference shall "notify the Government of the Netherlands of their adhesion to the above-mentioned convention, they shall be forthwith considered as having acceded thereto."

It is plainly unnecessary for the South American powers to enter into any new treaty with the Netherlands or with anyone else, except by a mere notice of adhesion. That notice must of course come either from the minister for foreign affairs direct or from some representative who has power to give the notice.)

Minister Hill to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
The Hague, April 18, 1907.

(Mr. Hill states that the Government of the Netherlands substantially accepts views in the telegram from the department of April 17. Full details to be given in dispatch following.)

Minister Hill to the Secretary of State.

No. 218.]

AMERICAN LEGATION,
The Hague, April 18, 1907.

SIR: I have the honor to acknowledge the receipt of your telegram of April 17, as follows:^a

And to confirm my telegraphic reply as follows:^a

By way of comment I have to add that the Netherlands minister for foreign affairs has had no thought of the necessity of the South American or other nonsignatories of The Hague Convention entering into any new treaty with the Netherlands or with anyone else except by a mere notice of adhesion to The Hague Convention. He agrees with the view expressed in your telegram that this notice must come either from the minister for foreign affairs direct or from some representative who has power to give the notice, as explained in the next to the last paragraph of my No. 206. He only insists that notification must be given of adhesion before the conference meets, and his expectation was that any government not having already given formal written notice of adhesion would provide its delegates, or its plenipotentiary here, with full powers to notify adhesion. He considers it sufficient that the notification, if in sufficient time, should be sent in any authentic form, but wished to emphasize the necessity of formal notice of adhesion, as provided for in the Russian note of April 12, 1906, as an essential preliminary to participation in the conference.

In our conversation to-day the minister repeated the point presented in the last paragraph of my No. 206, namely, that he would expect that representatives of the governments assenting to the Russian proposal of April 12, 1906, in accordance with article 60 of the arbitration convention, would be authorized to sign a formal protocol setting forth that these governments give their assent to the adherence of the nonsignatories in the manner proposed. He added that he had notified all the assenting governments that such a protocol would be prepared, and that he would expect it to be signed in the Treves Zaal on the day before the opening of the conference by the empowered representatives of the assenting governments. When this notice is received at Washington this point will, no doubt, be made perfectly clear.

There appears, then, to be no material difference of view between the position taken in your telegram and the understanding of the Netherlands Government so far as the adhesion of the South Ameri-

can States is concerned. After my full and clear discussion of the whole subject with the minister for foreign affairs, I do not see how any embarrassment can arise for the adhering States, provided (1) they notify the Netherlands minister for foreign affairs of their adhesion, either, as you suggest, directly through their ministers for foreign affairs or through authorized representatives; and (2) provided the representatives of the assenting signatory powers are duly authorized to sign the protocol as requested by the Netherlands Government.

Regarding this last, I may say that it appears to be considered by the minister for foreign affairs of the Netherlands as a desirable method of giving unity and finality to the action taken under article 60 of the convention of arbitration. It is intended to sum up in one formal act the Russian proposal and the assent of the signatory powers. Whatever difference of opinion there may be about the necessity of thus solemnizing in one document the action taken by the powers individually, compliance with the wishes of the Netherlands Government in this respect can occasion no great inconvenience and will put the conclusion reached beyond all question. It is not intended that this protocol shall have the form of a new treaty, but that it shall merely affirm in one document the action taken by the proposal contained in the Russian note of April 12 and the assent of the powers separately given in conformity with it. Nor does the action of the States-General of the Netherlands authorizing the extension of the ratification of the existing Hague Convention to new adherents contemplate any new treaties. This action was taken in order to place beyond all question the constitutional legality of admitting the new adherents to these conventions, so far as the Netherlands is concerned, and has significance only from a Netherlands point of view. It is entirely a constitutional, and not an international, measure, designed to meet the requirements of the fundamental law of the country.

There is, therefore, no question of any new treaty connected with the adhesion of the South American or other States to the convention of 1899. That adhesion may be accomplished by mere notifications by the respective adherents with the assent of the original signatory powers. Everything else is a matter of form, which the Netherlands Government, being charged with the execution of the convention of arbitration in this respect, feels called upon to regulate.

I have, etc.,

DAVID J. HILL.

The Minister of the Netherlands to the Secretary of State.

[Translation.]

No. 259.]

ROYAL LEGATION OF THE NETHERLANDS,
Washington, D. C., May 7, 1907.

MR. SECRETARY OF STATE: By order of my Government, I have the honor to advise your excellency that the Cabinet of St. Petersburg has notified the Government of the Queen that all the Governments which took part in the First Peace Conference have accepted the proposition, addressed to them by the Imperial Government, that they sign, before the opening of the forthcoming Peace Conference, a special protocol

concerning the mode of adhesion to the convention for the peaceful settlement of international disputes on the part of the powers which did not take part in the First Conference, but have been invited to the Second Conference.

The protocol, of which the text is appended hereto, shall be signed at The Hague, at 2 p. m. on June 14 next, in the Hall of Truce.

I am instructed by my Government to ask that the American Government will supply its representatives at The Hague with the requisite full powers to sign the protocol on the above-indicated date.

Hereby complying with my orders, I beg that your excellency will kindly let me know what reception is to be given to this request, and embrace the opportunity to renew to your excellency the assurance of my highest consideration.

VAN SWINDEREN.

[Inclosure 1.]

Les Représentants à la deuxième Conférence de la Paix des Etats signataires de la convention de 1899 relative du règlement pacifique des conflits internationaux, dûment autorisés à cet effet, sont tombés d'accord que, dans le cas, où les Etats qui n'avaient pas été représentés à la Première Conférence de la Paix, mais qui ont été convoqués à la Conférence actuelle, notifieraient au Gouvernement Néerlandais leur adhésion à la convention susmentionnée, ils seraient aussitôt considérés comme y ayant accédé.

[Inclosure 2.]

Translation of Protocol.

The Representatives, at the Second Peace Conference, of the States signatory to the convention of 1899 relative to the pacific settlement of international disputes, authorized to that effect, have agreed that in case the States which were not represented at the First Peace Conference but have been invited to the present conference should notify the Netherlands Government of their adhesion to the above-mentioned convention they would forthwith be considered as having acceded thereto.

The Acting Secretary of State to the Minister of the Netherlands.

No. 134]

DEPARTMENT OF STATE,
Washington, May 11, 1907.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, inclosing, by order of your Government, the text of a protocol concerning the adhesion of States not represented at the First Conference to the convention for the pacific settlement of international disputes, and requesting that the American delegates to the Second Peace Conference be supplied with full powers to sign the protocol at The Hague on June 14.

In reply I have the honor to inform you that the President has issued his full power authorizing the American delegates to sign the protocol for and in the name of the United States.

Accept, etc.,

ROBERT BACON.

NOTIFICATIONS OF ADHERENCE BY CERTAIN AMERICAN STATES.

The Venezuelan Chargé to the Acting Secretary of State.

[Translation.]

THE VENEZUELAN LEGATION,
Washington, March 14, 1907.

MR. SECRETARY: I have the honor to acknowledge receipt of your obliging note of the 5th instant, relative to the Peace Conference and the steps taken with respect to its meeting.

It affords me pleasure at the same time to inform you that I have been instructed to advise the ambassador of Russia that my Government has directly addressed the Netherlands Government and given it notice of the adhesion of Venezuela to the second and third conventions of 1899, further declaring its decision to adhere to the first as soon as it receives by telegraph notice of the assent of all the powers which took part in the First Conference.

Tendering you my best thanks for the information contained in your letter above referred to, I avail, etc.,

R. GARBIRAS GUZMAN.

The Minister of Colombia to the Secretary of State.

[Translation.]

No. 102.]

LEGATION OF COLOMBIA,
Washington, March 14, 1907.

MR. SECRETARY: I have the honor to refer to your excellency's very considerate note of the 5th instant, by which I am made acquainted with the present condition of things in regard to the contemplated meeting of the Second Peace Conference at The Hague and the means suggested by the Governments of Russia and of the United States to overcome the difficulties that might arise from nonadhesion to the conventions agreed upon at the First Conference on the part of the nations that were not represented there and are about to take part in the next conference.

The Government of Colombia, responding to the wishes and views set forth in the note, to which your excellency adverts, sent out by the Government of Russia on the 12th of April, 1906, has accepted the extended invitation to take part in the Second Conference and adhered to the second and third conventions agreed upon at the First Conference.

I have sent to my Government a copy of your excellency's note herein referred to and I entertain no doubt that the delegate of Colombia to the forthcoming conference shall be vested with the necessary powers to adhere, in the form proposed by the Government of Russia, to the arbitration treaty signed at the First Conference.

I have the honor to renew to your excellency the assurances of high consideration and distinguished regard, etc.

ENRIQUE CORTES.

The Minister of Panama to the Secretary of State.

[Translation.]

No. 12.]

LEGATION OF PANAMA,
Washington, April 14, 1907.

EXCELLENCY: I have the honor to advise your excellency that according to a note of the secretary of government and foreign relations of Panama, received this day, my Government has smoothed away the difficulty which prevented, in October, 1905, its acceptance of the Russian Government's invitation to attend the Peace Conference at The Hague and proposes to send a delegation to that conference.

With sentiments of high consideration,
I am, etc.,

J. D. DE OBALDÍA.

Minister Hicks to the Secretary of State.

No. 125.]

AMERICAN LEGATION,
Santiago, February 28, 1907.

SIR: I beg to inclose herewith translation of a law passed by the Chilean Congress and published in the Diario Oficial on the 15th of February, 1907.

According to this law, the Government of Chile accepts the conclusions of the First Conference of The Hague, with the proviso [understanding] that article 17 of the convention relating to the pacific adjustment of international conflicts does not affect questions pending settlement previous to the date of the international agreement.

I am, etc.,

JOHN HICKS.

[Inclosure.—Translation.]

Act of Chilean Congress.

CONGRESS OF THE HAGUE.—INTERNATIONAL CONFLICTS.

The minister for foreign relations has ordered the publication of the following project as a law of the Republic:

Sole article.—The President of the Republic is authorized to give his adhesion, in the name of the Government of Chile, to the conventions subscribed by the plenipotentiaries of the powers which assembled at the First Conference of the Peace, held at The Hague, relative to the pacific adjustment of international conflicts; to the laws and usages of terrestrial warfare; and to the adaptation of the principles of the Geneva Convention of the 22d of August, 1864.

Congress, while granting this authority, understands that the adhesion of the Government of Chile to article 17 of the convention relative to the pacific adjustment of international conflicts does not apply to litigation or questions pending previous to the celebration of the convention.

*The Secretary of State to Minister Hill.*DEPARTMENT OF STATE,
Washington, April 26, 1907.

SIR: I have to inform you that the Argentine Republic has appointed as its delegates to the Second Hague Conference Messrs. Luis M. Drago, Carlos Rodriguez Larreta, and Roque Saenz Peña.

I am etc.,

E. Root.

The Acting Secretary of State to Minister Hill.

No. 83.]

DEPARTMENT OF STATE,
Washington, April 30, 1907.

SIR: By a decree dated April 16, 1907, published in the *Gaceta Oficial* of the 18th of the same month, the provisional governor of the Republic of Cuba has accepted the invitation of His Majesty the Emperor of Russia to the Government of Cuba to send delegates to the Second Peace Conference at The Hague.

I am, etc.,

ROBERT BACON.

The Minister of Costa Rica to the Secretary of State.

[Translation.]

LEGATION OF COSTA RICA,
Washington, May 4, 1907.

SIR: Referring to your obliging communication of the 5th of March, in regard to the forthcoming meeting of the Second Peace Conference at The Hague, I have the honor to address you and to inform you that the Government of Costa Rica, which had declared its intention to send representatives to the said conference, finds itself, much to its regret, constrained to forego its purpose for reasons of a special nature, but declares its readiness to subscribe to such resolutions of the conference as it may adopt, if invited to do so.

I am in receipt of instructions to make a communication in that sense to the department in your worthy charge, as an act of reciprocal courtesy.

I take, etc.,

J. B. CALVO.

The Minister of Nicaragua to the Secretary of State.

[Translation.]

LEGATION OF NICARAGUA,
Washington, May 6, 1907.

MR. SECRETARY: I have the honor to inform your excellency that I have just now received a cablegram from my minister for foreign affairs by which he advises me that the Government of Nicaragua, actuated by the inclination it always had toward attending the forthcoming Second Peace Conference at The Hague, has been pleased to decide that our legislative assembly, now holding an extraordinary session, will authorize the signing of the protocol of adhesion to the Arbitration Convention of 1899, and has appointed our minister at Paris, Señor Don Crisanto Medina, to be delegate of Nicaragua to the said conference.

Be pleased, etc.,

LUIS F. COREA.

Minister Fox to the Secretary of State.

[Telegram.—Paraphrase.]

AMERICAN LEGATION,
Quito, May 6, 1907.

(Mr. Fox reports that Ecuador will be represented at the Second Peace Conference by Señor Rendon, the Ecuadorean minister to France.)

INSTRUCTIONS TO THE AMERICAN DELEGATES TO THE HAGUE
CONFERENCE, 1907.

DEPARTMENT OF STATE,
Washington, May 31, 1907.

To Messrs. Joseph H. Choate, Horace Porter, Uriah M. Rose, David Jayne Hill, George B. Davis, Charles S. Sperry, and William I. Buchanan.

GENTLEMEN: You have been appointed delegates plenipotentiary to represent the United States at a Second Peace Conference which is to meet at The Hague on the 15th of June, 1907.

The need of such a conference was suggested to the powers signatory to the acts of The Hague Conference of 1899 by President Roosevelt in a circular note by my predecessor, Mr. Hay, dated October 21, 1904, and the project met with a general expression of assent and sympathy from the powers; but its realization was postponed because of the then existing war between Japan and Russia. The conclusion of the peace which ended that war presenting a favorable moment for further developing and systematizing the work of the First Conference, the initiative was appropriately transferred to His Imperial Majesty the Emperor of Russia as initiator of the First Conference. The Russian Government proposed that the programme of the contemplated meeting should include the following topics:

1. Improvements to be made in the provisions of the convention relative to the peaceful settlement of international disputes as regards the court of arbitration and the international commissions of inquiry.

2. Additions to be made to the provisions of the convention of 1899 relative to the laws and customs of war on land—among others, those concerning the opening of hostilities, the rights of neutrals on land, etc. Declarations of 1899. One of these having expired, question of its being revived.

3. Framing of a convention relative to the laws and customs of maritime warfare, concerning—

The special operations of maritime warfare, such as the bombardment of ports, cities, and villages by a naval force; the laying of torpedoes, etc.

The transformation of merchant vessels into war ships.

The private property of belligerents at sea.

The length of time to be granted to merchant ships for their departure from ports of neutrals or of the enemy after the opening of hostilities.

The rights and duties of neutrals at sea; among others, the questions of contraband, the rules applicable to belligerent vessels in neutral ports; destruction, in cases of *vis major*, of neutral merchant vessels captured as prizes.

In the said convention to be drafted, there would be introduced the provisions relative to war on land that would also be applicable to maritime warfare.

4. Additions to be made to the convention of 1899 for the adaptation to maritime warfare of the principles of the Geneva Convention of 1864.

We are advised by the ambassador of Russia, in a note dated March 22/April 4, 1907, that all of the powers have declared their adhesion to this tentative programme. The following remarks, however, have been made in respect thereof:

The Government of the United States has reserved to itself the liberty of submitting to the conference two additional questions, viz, the reduction or limitation of armaments and the attainment of an agreement to observe some limitations upon the use of force for the collection of ordinary public debts arising out of contracts.

The Spanish Government has expressed a desire to discuss the limitation of armaments.

The British Government has given notice that it attaches great importance to having the question of expenditures for armament discussed at the conference, and has reserved to itself the right of raising it.

The Governments of Bolivia, Denmark, Greece, and the Netherlands have reserved to themselves, in a general way, the right to submit to the consideration of the conference subjects not specially enumerated in the programme.

Several governments have reserved the right to take no part in any discussion which may appear unlikely to produce any useful result.

The Russian note proposing the programme declared that the deliberations of the contemplated meetings should not deal with the political relations of the different States, or the condition of things established by treaties; and that neither the solution of the questions brought up for discussion, nor the order of their discussion, nor the form to be given to the decisions reached, should be determined in advance of the conference. We understand this view to have been accepted.

In regard to the two questions which were not included in the proposed programme, but which the United States has reserved the right to present to the conference, we understand that notice of the reservation has been communicated to all the powers by note similar to that from the Russian ambassador dated March 22/April 4, 1907; so that each power has had full opportunity to instruct its delegates in respect thereof. The United States understands that as to the topics included in the programme the acceptance of the programme involves a determination that such topics shall be considered by the conference, subject to the reserved rights of particular powers to refrain from discussion of any topic as to which it deems that discussion will not be useful; but that as to the two topics which we have reserved the right to present, there has been no determination one way or the other, the question whether they shall be considered by the conference remaining for the determination of the conference itself in case they shall be presented.

It is not expedient that you should be limited by too rigid instructions upon the various questions which are to be discussed, for such a course, if pursued generally with all the delegates, would make the discussion useless and the conference a mere formality. You will, however, keep in mind the following observations regarding the general policy of the United States upon these questions:

1. In the discussions upon every question it is important to remember that the object of the conference is agreement, and not compulsion. If such conferences are to be made occasions for trying to

force nations into positions which they consider against their interests, the powers can not be expected to send representatives to them. It is important also that the agreements reached shall be genuine and not reluctant. Otherwise they will inevitably fail to receive approval when submitted for the ratification of the powers represented. Comparison of views and frank and considerate explanation and discussion may frequently resolve doubts, obviate difficulties, and lead to real agreement upon matters which at the outset have appeared insurmountable. It is not wise, however, to carry this process to the point of irritation. After reasonable discussion, if no agreement is reached, it is better to lay the subject aside, or refer it to some future conference in the hope that intermediate consideration may dispose of the objections. Upon some questions where an agreement by only a part of the powers represented would in itself be useful, such an agreement may be made, but it should always be with the most unreserved recognition that the other powers withhold their concurrence with equal propriety and right.

The immediate results of such a conference must always be limited to a small part of the field which the more sanguine have hoped to see covered; but each successive conference will make the positions reached in the preceding conference its point of departure, and will bring to the consideration of further advances toward international agreement opinions affected by the acceptance and application of the previous agreements. Each conference will inevitably make further progress and, by successive steps, results may be accomplished which have formerly appeared impossible.

You should keep always in mind the promotion of this continuous process through which the progressive development of international justice and peace may be carried on; and you should regard the work of the Second Conference, not merely with reference to the definite results to be reached in that conference, but also with reference to the foundations which may be laid for further results in future conferences. It may well be that among the most valuable services rendered to civilization by this Second Conference will be found the progress made in matters upon which the delegates reach no definite agreement.

With this view you will favor the adoption of a resolution by the conference providing for the holding of further conferences within fixed periods and arranging the machinery by which such conferences may be called and the terms of the programme may be arranged, without awaiting any new and specific initiative on the part of the powers or any one of them.

Encouragement for such a course is to be found in the successful working of a similar arrangement for international conferences of the American Republics. The Second American Conference, held in Mexico in 1901-2, adopted a resolution providing that a third conference should meet within five years and committed the time and place and the programme and necessary details to the Department of State and representatives of the American States in Washington. Under this authority the Third Conference was called and held in Rio de Janeiro in the summer of 1906 and accomplished results of substantial value. That conference adopted the following resolution:

The governing board of the International Bureau of American Republics (composed of the same official representatives in Washington) is authorized to

designate the place at which the Fourth International Conference shall meet, which meeting shall be within the next five years; to provide for the drafting of the programme and regulations and to take into consideration all other necessary details; and to set another date in case the meeting of the said conference can not take place within the prescribed limit of time.

There is no apparent reason to doubt that a similar arrangement for successive general international conferences of all the civilized powers would prove as practicable and as useful as in the case of the twenty-one American States.

2. The policy of the United States to avoid entangling alliances and to refrain from any interference or participation in the political affairs of Europe must be kept in mind, and may impose upon you some degree of reserve in respect of some of the questions which are discussed by the conference.

In the First Conference the American delegates accompanied their vote upon the report of the committee regarding the limitation of armaments by the following declaration:

That the United States, in so doing, does not express any opinion as to the course to be taken by the States of Europe. This declaration is not meant to indicate mere indifference to a difficult problem, because it does not affect the United States immediately, but expresses a determination to refrain from enunciating opinions upon matters into which, as concerning Europe alone, the United States has no claim to enter. The words drawn up by M. Bourgeois, and adopted by the first commission, received also the cordial interest and sympathy with which the United States, while carefully abstaining from anything that might resemble interference, regards all movements that are thought to tend to the welfare of Europe.

Before signing the arbitration convention of the First Conference the delegates of the United States put upon record the following declaration:

Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

These declarations have received the approval of this Government, and they should be regarded by you as illustrating the caution which you are to exercise in preventing our participation in matters of general and world-wide concern from drawing us into the political affairs of Europe.

3. The attitude of the United States as to consideration of the subject of limiting armaments was stated in a letter from the Secretary of State to the Russian ambassador dated June 7, 1906.^a That letter, after expressing assent to the enumeration of topics in the Russian programme, proceeded to say:

The Government of the United States is, however, so deeply in sympathy with the noble and humanitarian views which moved His Imperial Majesty to the calling of the First Peace Conference that it would greatly regret to see those views excluded from the consideration of the Second Conference. [Quoting from the call for the First Conference.]

The truth and value of the sentiments thus expressed are surely independent of the special conditions and obstacles to their realization by which they may be confronted at any particular time. It is true that the First Conference at The Hague did not find it practicable to give them effect, but long-continued and

^a See For. Rels., 1906, p. 1635.

patient effort has always been found necessary to bring mankind into conformity with great ideals. It would be a misfortune if that effort, so happily and magnanimously inaugurated by His Imperial Majesty, were to be abandoned.

This Government is not unmindful of the fact that the people of the United States dwell in comparative security, partly by reason of their isolation and partly because they have never become involved in the numerous questions to which many centuries of close neighborhood have given rise in Europe. They are, therefore, free from the apprehensions of attack which are to so great an extent the cause of great armaments, and it would ill become them to be insistent or forward in a matter so much more vital to the nations of Europe than to them. Nevertheless, it sometimes happens that the very absence of a special interest in a subject enables a nation to make suggestions and urge considerations which a more deeply interested nation might hesitate to present. The Government of the United States, therefore, feels it to be its duty to reserve for itself the liberty to propose to the Second Peace Conference, as one of the subjects of consideration, the reduction or limitation of armaments, in the hope that, if nothing further can be accomplished, some slight advance may be made toward the realization of the lofty conception which actuated the Emperor of Russia in calling the First Conference.

The First Conference adopted the following resolutions:

The conference is of opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind.

The conference expresses the wish that the Governments, taking into consideration the proposals made at the conference, may examine the possibility of an agreement as to the limitation of armed forces by land and sea and of war budgets.

Under these circumstances this Government has been and still is of the opinion that this subject should be regarded as unfinished business, and that the Second Conference should ascertain and give full consideration to the results of such examination as the Governments may have given to the possibility of an agreement pursuant to the wish expressed by the First Conference. We think that there should be a sincere effort to learn whether, by conference and discussion, some practicable formula may not be worked out which would have the effect of limiting or retarding the increase of armaments.

There is, however, reason to believe not only that there has been the examination by the respective Governments for which the First Conference expressed a wish, but that the discussion of its results has been forestalled by a process of direct communication between a majority of the Governments having the greatest immediate interest in the subject. These communications have been going on actively among the different Governments for nearly a year, and as a result at least four of the European powers have announced their unwillingness to continue the discussion in the conference. We regret that the discussion should have taken place in this way rather than at the conference, for we are satisfied that a discussion at the conference would have afforded a greater probability of progress toward the desired result. The fact, however, can not be ignored.

If any European power proposes consideration of the subject, you will vote in favor of consideration and do everything you properly can to promote it. If, on the other hand, no European power proposes consideration of the subject, and no new and affirmative evidence is presented to satisfy you that a useful purpose would be subserved by your making such a proposal, you may assume that the limitations above stated by way of guidance to your action preclude you from asking the conference to consider the subject.

4. The other subject which the United States specifically reserved the right to propose for consideration is the attainment of an agreement to observe some limitation upon the use of force for the collection of ordinary public debts arising out of contract.

It has long been the established policy of the United States not to use its army and navy for the collection of ordinary contract debts due to its citizens by other governments. This Government has not considered the use of force for such a purpose consistent with that respect for the independent sovereignty of other members of the family of nations which is the most important principle of international law and the chief protection of weak nations against the oppression of the strong. It seems to us that the practice is injurious in its general effect upon the relation of nations and upon the welfare of weak and disordered States, whose development ought to be encouraged in the interests of civilization; that it offers frequent temptation to bullying and oppression and to unnecessary and unjustifiable warfare. It is doubtless true that the nonpayment of such debts may be accompanied by such circumstances of fraud and wrongdoing or violation of treaties as to justify the use of force; but we should be glad to see an international consideration of this subject which would discriminate between such cases and the simple non-performance of a contract with a private person, and a resolution in favor of reliance upon peaceful means in cases of the latter class.

The Third International Conference of the American States, held at Rio de Janeiro in August, 1906, resolved:

To recommend to the Governments therein that they consider the point of inviting the Second Peace Conference at The Hague to examine the question of the compulsory collection of public debts, and, in general, means tending to diminish between nations conflicts having a peculiarly pecuniary origin.

You will ask for the consideration of this subject by the conference. It is not probable that in the first instance all the nations represented at the conference will be willing to go as far in the establishment of limitations upon the use of force in the collection of this class of debts as the United States would like to have them go, and there may be serious objection to the consideration of the subject as a separate and independent topic. If you find such objections insurmountable, you will urge the adoption of provisions under the head of arbitration looking to the establishment of such limitations. The adoption of some such provision as the following may be suggested, and, if no better solution seems practicable, should be urged:

The use of force for the collection of a contract debt alleged to be due by the Government of any country to a citizen of any other country is not permissible until after—

1. The justice and amount of the debt shall have been determined by arbitration, if demanded by the alleged debtor.

2. The time and manner of payment, and the security, if any, to be given pending payment, shall have been fixed by arbitration, if demanded by the alleged debtor.

5. In the general field of arbitration two lines of advance are clearly indicated. The first is to provide for obligatory arbitration as broad in scope as now appears to be practicable, and the second is to increase the effectiveness of the system so that nations may more readily have recourse to it voluntarily.

You are familiar with the numerous expressions in favor of the settlement of international disputes by arbitration on the part both of the Congress and of the Executive of the United States.

So many separate treaties of arbitration have been made between individual countries that there is little cause to doubt that the time is now ripe for a decided advance in this direction. This condition, which brings the subject of a general treaty for obligatory arbitration into the field of practical discussion, is undoubtedly largely due to the fact that the powers generally in the First Hague Conference committed themselves to the principle of the pacific settlement of international questions in the admirable convention for voluntary arbitration then adopted.

The Rio Conference of last summer provided for the arbitration of all pecuniary claims among the American States. This convention has been ratified by the President, with the advice and consent of the Senate.

In December, 1904, and January, 1905, my predecessor, Mr. Hay, concluded separate arbitration treaties between the United States and Great Britain, France, Germany, Spain, Portugal, Italy, Switzerland, Austria-Hungary, Sweden and Norway, and Mexico. On the 11th of February, 1905, the Senate advised and consented to the ratification of these treaties, with an amendment which has had the effect of preventing the exchange of ratifications. The amendment, however, did not relate to the scope or character of the arbitration to which the President had agreed and the Senate consented. You will be justified, therefore, in assuming that a general treaty of arbitration in the terms, or substantially in the terms, of the series of treaties which I have mentioned will meet the approval of the Government of the United States. The first article of each of these treaties was as follows:

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague by the convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two contracting States, and do not concern the interests of third parties.

To this extent you may go in agreeing to a general treaty of arbitration, and to secure such a treaty you should use your best and most earnest efforts.

Such a general treaty of arbitration necessarily leaves to be determined in each particular case what the questions at issue between the two Governments are, and whether those questions come within the scope of the treaty or within the exceptions, and what shall be the scope of the powers of the arbitrators. The Senate amendment which prevented the ratification of each of these treaties applied only to another article of the treaty which provided for special agreements in regard to these matters and involved only the question who should act for the United States in making such special agreements. To avoid having the same question arise regarding any general treaty of arbitration which you may sign at The Hague, your signature should be accompanied by an explanation substantially as follows:

In signing the general arbitration treaty the delegates of the United States desire to have it understood that the special agreements provided for in article — of said treaty will be subject to submission to the Senate of the United States.

The method in which arbitration can be made more effective, so that nations may be more ready to have recourse to it voluntarily and to enter into treaties by which they bind themselves to submit to it, is indicated by observation of the weakness of the system now apparent. There can be no doubt that the principal objection to arbitration rests not upon the unwillingness of nations to submit their controversies to impartial arbitration, but upon an apprehension that the arbitrations to which they submit may not be impartial. It has been a very general practice for arbitrators to act, not as judges deciding questions of fact and law upon the record before them under a sense of judicial responsibility, but as negotiators effecting settlements of the questions brought before them in accordance with the traditions and usages and subject to all the considerations and influences which affect diplomatic agents. The two methods are radically different, proceed upon different standards of honorable obligation, and frequently lead to widely differing results. It very frequently happens that a nation which would be very willing to submit its differences to an impartial judicial determination is unwilling to subject them to this kind of diplomatic process. If there could be a tribunal which would pass upon questions between nations with the same impartial and impersonal judgment that the Supreme Court of the United States gives to questions arising between citizens of the different States, or between foreign citizens and the citizens of the United States, there can be no doubt that nations would be much more ready to submit their controversies to its decision than they are now to take the chances of arbitration. It should be your effort to bring about in the Second Conference a development of The Hague Tribunal into a permanent tribunal composed of judges who are judicial officers and nothing else, who are paid adequate salaries, who have no other occupation, and who will devote their entire time to the trial and decision of international causes by judicial methods and under a sense of judicial responsibility. These judges should be so selected from the different countries that the different systems of law and procedure and the principal languages shall be fairly represented. The court should be made of such dignity, consideration, and rank that the best and ablest jurists will accept appointment to it, and that the whole world will have absolute confidence in its judgments.

The arbitration convention signed at the First Hague Conference contained no authority for the adherence of nonsignatory powers, but provided:

The conditions on which the powers who were not represented at the International Peace Conference can adhere to the present convention shall form the subject of a separate agreement among the contracting powers.

This left all the Central and South American States outside of the treaty. The United States has from time to time endeavored to secure an opportunity for them to adhere, and it has now been arranged that this shall be accomplished as a necessary preliminary to their taking part in the Second Conference. The method arranged is that on the day before the opening of the conference a protocol

shall be signed by the representatives of all the Powers signatory to the treaty substantially as follows:

The representatives at the Second Peace Conference of the States signatories of the convention of 1899 relative to the peaceful settlement of international disputes, duly authorized to that effect, have agreed that in case the States that were not represented at the First Peace Conference, but have been convoked to the present conference, should notify the Government of the Netherlands of their adhesion to the above-mentioned convention they shall be forthwith considered as having acceded thereto.

It is understood that substantially all the Central and South American States have notified the Government of the Netherlands of their adherence to the convention, and upon the signing of this protocol their notices will immediately take effect and they will become parties competent to take part in the discussions of the Second Conference looking toward the amendment and extension of the arbitration convention. You will sign the protocol in behalf of the United States pursuant to the full powers already given you.

6. You will maintain the traditional policy of the United States regarding the immunity of private property of belligerents at sea.

On the 28th of April, 1904, the Congress of the United States adopted the following resolution:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress of the United States that it is desirable, in the interest of uniformity of action by the maritime states of the world in time of war, that the President endeavor to bring about an understanding among the principal maritime powers with a view of incorporating into the permanent law of civilized nations, the principle of the exemption of all private property at sea, not contraband of war, from capture or destruction by belligerents. Approved April 28, 1904.

This resolution is an expression of the view taken by the United States during its entire history. Such a provision was incorporated in the treaty of 1775 with Prussia, signed by Benjamin Franklin, Thomas Jefferson, and John Adams, and it was proposed by the United States as an amendment to be added to the privateering clause of the Declaration of Paris in 1856. The refusal of the other powers to accompany prohibition of privateering by such a provision caused the Government of the United States to refuse its adherence to the declaration.

The Congressional resolution was in response to the recommendation of President Roosevelt's message to Congress in December, 1903, quoting and enforcing a previous message by President McKinley in December, 1898, which said:

The United States Government has for many years advocated this humane and beneficent principle, and is now in a position to recommend it to other powers without the imputation of selfish motives.

Whatever may be the apparent specific interest of this or any other country at the moment, the principle thus declared is of such permanent and universal importance that no balancing of the chances of probable loss or gain in the immediate future on the part of any nation should be permitted to outweigh the considerations of common benefit to civilization which call for the adoption of such an agreement.

In the First Peace Conference the subject of the immunity of private property at sea was not included in the programme. Consideration of it was urged by the delegates of the United States and was

supported by an able presentation on the part of Mr. Andrew D. White. The representatives of several of the great powers declared, however, that in the absence of instructions from their Governments they could not vote upon the subject; and, under the circumstances, we must consider that gratifying progress was made when there was included in the final act of the conference a resolution expressing—

The wish that the proposal which contemplates the declaration of the inviolability of private property in naval warfare may be referred to a subsequent conference for consideration.

The subject has accordingly been included in the present programme and the way is open for its consideration.

It will be appropriate for you to advocate the proposition formulated and presented by the American delegates to the First Conference, as follows:

The private property of all citizens or subjects of the signatory powers, with the exception of contraband of war, shall be exempt from capture or seizure on the high seas, or elsewhere by the armed vessels or by the military forces of any of the said signatory powers. But nothing herein contained shall extend exemption from seizure to vessels and their cargoes which may attempt to enter a port blockaded by the naval forces of any of the said powers.

7. Since the code of rules for the government of military operations on land was adopted by the First Peace Conference there have been occasions for its application under very severe conditions, notably in the South African war and the war between Japan and Russia. Doubtless the powers involved in those conflicts have had occasion to observe many particulars in which useful additions or improvements might be made. You will consider their suggestions with a view to reducing, so far as is practicable, the evils of war and protecting the rights of neutrals.

As to the framing of a convention relative to the customs of maritime warfare, you are referred to the naval war code promulgated in General Orders 551 of the Navy Department of June 27, 1900, which has met with general commendation by naval authorities throughout the civilized world, and which, in general, expresses the views of the United States, subject to a few specific amendments suggested in the volume of international-law discussions of the Naval War College of the year 1903, pages 91 to 97. The order putting this code into force was revoked by the Navy Department in 1904, not because of any change of views as to the rules which it contained, but because many of those rules, being imposed upon the forces of the United States by the order, would have put our naval forces at a disadvantage as against the forces of other powers, upon whom the rules were not binding. The whole discussion of these rules contained in the volume to which I have referred is commended to your careful study.

You will urge upon the Peace Conference the formulation of international rules for war at sea and will offer the Naval War Code of 1900, with the suggested changes and such further changes as may be made necessary by other agreements reached at the conference, as a tentative formulation of the rules which should be considered.

8. The clause of the programme relating to the rights and duties of neutrals is of very great importance and in itself would furnish matter for useful discussion sufficient to occupy the time and justify the labors of the conference.

The various subjects which the conference may be called upon to consider are likely to bring out proposals which should be considered in their relation to each other, as standing in the following order of substantial importance:

- (1) Provisions tending to prevent disagreements between nations.
- (2) Provisions tending to dispose of disagreements without war.
- (3) Provisions tending to preserve the rights and interests of neutrals.
- (4) Provisions tending to mitigate the evils of war to belligerents.

The relative importance of these classes of provisions should always be kept in mind. No rules should be adopted for the purpose of mitigating the evils of war to belligerents which will tend strongly to destroy the right of neutrals, and no rules should be adopted regarding the rights of neutrals which will tend strongly to bring about war. It is of the highest importance that not only the rights but the duties of neutrals shall be most clearly and distinctly defined and understood, not only because the evils which belligerent nations bring upon themselves ought not to be allowed to spread to their peaceful neighbors and inflict unnecessary injury upon the rest of mankind, but because misunderstandings regarding the rights and duties of neutrals constantly tend to involve them in controversy with one or the other belligerent.

For both of these reasons, special consideration should be given to an agreement upon what shall be deemed to constitute contraband of war. There has been a recent tendency to extend widely the list of articles to be treated as contraband; and it is probable that if the belligerents themselves are to determine at the beginning of a war what shall be contraband, this tendency will continue until the list of contraband is made to include a large proportion of all the articles which are the subject of commerce, upon the ground that they will be useful to the enemy. When this result is reached, especially if the doctrine of continuous voyages is applied at the same time, the doctrine that free ships make free goods and the doctrine that blockades in order to be binding must be effective, as well as any rule giving immunity to the property of belligerents at sea, will be deprived of a large part of their effect, and we shall find ourselves going backward instead of forward in the effort to prevent every war from becoming universally disastrous. The exception of contraband of war in the Declaration of Paris will be so expanded as to very largely destroy the effect of the declaration. On the other hand, resistance to this tendency toward the expansion of the list of contraband ought not to be left to the neutrals affected by it at the very moment when war exists, because that is the process by which neutrals become themselves involved in war. You should do all in your power to bring about an agreement upon what is to constitute contraband; and it is very desirable that the list should be limited as narrowly as possible.

With these instructions there will be furnished to you copies of the diplomatic correspondence relating to the conference, the instructions to the delegates to the First Conference which are in all respects reaffirmed and their report, the international law discussions of the Naval War College of 1903, the report of the American delegates to the conference of the American Republics at Rio de Janeiro in 1906, and

the report of the American delegates to the Geneva Conference of 1864 for the revision of the Red Cross Convention of 1864.

Following the precedent established by the commission to the First Conference, all your reports and communications to this Government will be made to the Department of State for proper consideration and eventual preservation in the archives. The records of your commission will be kept by your secretary, Mr. Chandler Hale. Should you be in doubt at any time regarding the meaning or effect of these instructions, or should you consider at any time that there is occasion for special instructions, you will communicate freely with the Department of State by telegraph. It is the President's earnest wish that you may contribute materially to the effective work of the conference and that its deliberations may result in making international justice more certain and international peace more secure.

I am, gentlemen, your obedient servant,

ELIHU ROOT.

INSTRUCTIONS TO THE INTERNATIONAL (PEACE) CONFERENCE AT THE HAGUE, 1899.

(See Foreign Relations, 1899, p. 511.)

[The following, Annex A and Annex B, formed part of the instructions of 1899, but were not printed in Foreign Relations for that year.]

ANNEX A.

HISTORICAL RÉSUMÉ.

From time to time in the history of the United States, propositions have been made for the establishment of a system of peaceable adjustment of differences arising between nations. As early as February, 1832, the senate of Massachusetts adopted, by a vote of 19 to 5, a resolution expressing the opinion that "some mode should be established for the amicable and final adjustment of all international disputes instead of resorting to war."

A similar resolution was unanimously passed by the house of representatives of the same State in 1837, and by the senate by a vote of 35 to 5.

A little prior to 1840 there was much popular agitation regarding the convocation of a congress of nations for the purpose of establishing an international tribunal. This idea was commended by resolutions adopted by the legislature of Massachusetts in 1844 and by the legislature of Vermont in 1852.

In February, 1851, Mr. Foote, from the Committee on Foreign Relations, reported to the Senate of the United States a resolution that "in the judgment of this body it would be proper and desirable for the Government of these United States whenever practicable to secure in its treaties with other nations a provision for referring to the decision of umpires all future misunderstandings that can not be satisfactorily adjusted by amicable negotiation in the first instance, before a resort to hostilities shall be had."

Two years later Senator Underwood, from the same committee, reported a resolution of advice to the President suggesting a stipulation in all treaties hereafter entered into with other nations referring

the adjustment of any misunderstanding or controversy to the decision of disinterested and impartial arbitrators to be mutually chosen.

May 31, 1872, Mr. Sumner introduced in the Senate a resolution in which, after reviewing the historical development of municipal law and the gradual suppression of private war, and citing the progressive action of the Congress of Paris with regard to neutrals, he proposed the establishment of a tribunal to be clothed with such authority as to make it a "complete substitute for war," declaring a refusal to abide by its judgment hostile to civilization, to the end that "war may cease to be regarded as a proper form of trial between nations."

In 1874 a resolution favoring general arbitration was passed by the House of Representatives.

April 1, 1883, a confidential inquiry was addressed to Mr. Frelinghuysen, Secretary of State, by Colonel Frey, then Swiss minister to the United States, regarding the possibility of concluding a general treaty of arbitration between the two countries. Mr. Frelinghuysen, citing the general policy of this country in past years, expressed his disposition to consider the proposition with favor. September 5, 1883, Colonel Frey submitted a draft of a treaty, the reception of which was acknowledged by Mr. Frelinghuysen on the 26th of the same month. This draft, adopted by the Swiss Federal Council July 24, 1883, presented a short plan of arbitration. These negotiations were referred to in the President's Annual Message for 1883, but were not concluded.

In 1888, a communication having been made to the President and Congress of the United States by two hundred and thirty-five members of the British Parliament, urging the conclusion of a treaty of arbitration between the United States and Great Britain, and reinforced by petitions and memorials from multitudes of individuals and associations from Maine to California, great enthusiasm was exhibited in its reception by eminent citizens of New York. As a result of this movement, on June 13, 1888, Mr. Sherman, from the Committee on Foreign Relations, reported to the Senate a joint resolution requesting the President "to invite, from time to time, as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that the differences or disputes arising between the two governments which can not be adjusted by diplomatic agency may be referred to arbitration, and be peaceably adjusted by such means."

November 29, 1881, Mr. Blaine, Secretary of State, invited the Governments of the American nations to participate in a Congress to be held in the city of Washington, November 24, 1882, "for the purpose of considering and discussing the methods of preventing war between the nations of America." For special reasons the enterprise was temporarily abandoned, but was afterwards revived and enlarged in Congress, and an act was passed authorizing the calling of the International American Conference, which assembled in Washington in the autumn of 1889. On April 18, 1890, referring to this plan of arbitration, Mr. Blaine said:

If, in this closing hour, the conference had but one deed to celebrate, we should dare call the world's attention to the deliberate, confident, solemn dedication of two great continents to peace, and to the prosperity which has

peace for its foundation. We hold up this new *Magna Charta*, which abolishes war and substitutes arbitration between the American Republics, as the first and great fruit of the "International American Conference."

The Senate of the United States on February 14, 1890, and the House of Representatives on April 3, 1890, adopted a concurrent resolution in the language reported by Mr. Sherman to the Senate in June, 1888.

July 8, 1895, the French Chamber of Deputies unanimously resolved:

The Chamber invites the Government to negotiate as soon as possible a permanent treaty of arbitration between the French Republic and the Republic of the United States of America.

July 16, 1893, the British House of Commons adopted the following resolution:

Resolved, That this House has learnt with satisfaction that both Houses of the United States Congress have, by resolution, requested the President to invite, from time to time, as fit occasions may arise, negotiations with any government with which the United States have or may have diplomatic relations, to the end that any differences or disputes arising between the two governments which can not be adjusted by diplomatic agency may be referred to arbitration and peaceably adjusted by such means; and that this House, cordially sympathizing with the purpose in view, expresses the hope that Her Majesty's Government will lend their ready cooperation to the Government of the United States upon the basis of the foregoing resolution.

December 4, 1893, President Cleveland referred to the foregoing resolution of the British House of Commons as follows:

It affords me signal pleasure to lay this parliamentary resolution before the Congress and to express my sincere gratification that the sentiment of two great and kindred nations is thus authoritatively manifested in favor of the rational and peaceable settlement of international quarrels by honorable resort to arbitration.

These resolutions led to the exchange of communications regarding the conclusion of a permanent treaty of arbitration, suspended from the spring of 1895 to March 5, 1898, when negotiations were resumed which resulted in the signature of a treaty January 11, 1897, between the United States and Great Britain.

In his inaugural address, March 4, 1897, President McKinley said:

Arbitration is the true method of settlement of international as well as local or individual differences. It was recognized as the best means of adjustment of differences between employers and employees by the Forty-ninth Congress in 1886, and its application was extended to our diplomatic relations by the unanimous concurrence of the Senate and House of the Fifty-first Congress in 1890. The latter resolution was accepted as the basis of negotiations with us by the British House of Commons in 1893, and upon our invitation a treaty of arbitration between the United States and Great Britain was signed at Washington and transmitted to the Senate for ratification in January last.

Since this treaty is clearly the result of our own initiative, since it has been recognized as the leading feature of our foreign policy throughout our entire national history—the adjustment of difficulties by judicial methods rather than force of arms—and since it presents to the world the glorious example of reason and peace, not passion and war, controlling the relations between two of the greatest nations of the world, an example certain to be followed by others, I respectfully urge the early action of the Senate thereon, not merely as a matter of policy, but as a duty to mankind. The importance and moral influence of the ratification of such a treaty can hardly be overestimated in the cause of advancing civilization. It may well engage the best thought of the statesmen and people of every country, and I can not but consider it fortunate that it was reserved to the United States to have the leadership in so grand a work.

The Senate of the United States declined to concur in the ratification of the treaty of arbitration with Great Britain, but for reasons which might not affect a general treaty directed toward a similar end.

The publication by this Government of the exhaustive "History and Digest of the International Arbitrations to which the United States has been a Party," by the Hon. John Bassett Moore, late Assistant Secretary of State, a work extending through six volumes, marks a new epoch in the history of arbitration. It places beyond controversy the applicability of judicial methods to a large variety of international disagreements which have been successfully adjudicated by individual arbitrators or temporary boards of arbitration chosen by the litigants for each case. It also furnishes an exceedingly valuable body of rules of organization and procedure for the guidance of future tribunals of a similar nature. But, perhaps, its highest significance is the demonstration of the superiority of a permanent tribunal over merely special and temporary boards of arbitration, with respect to economy of time and money as well as uniformity of method and procedure.

A history of the various plans for the realization of international justice shows the gradual evolution of clearer and less objectionable conceptions upon this subject. Those of Bluntschli, Lorimer, David Dudley Field, and Leone Levi have been long before the public, each containing useful suggestions, but impracticable as a whole. Certain rules for the regulation of the procedure of international tribunals of arbitration were discussed by the Institute of International Law at its sessions at Geneva in 1874 and at The Hague in 1875, and provisional rules were finally approved. Another set of rules was proposed by a select committee of lawyers at the Universal Peace Congress, held in Chicago in 1893. Resolutions of a somewhat elaborate nature were adopted by the Interparliamentary Conference, composed of British and French members of Parliament, at Brussels in 1895. In April, 1896, the Bar Association of the State of New York, at a special meeting held at Albany, adopted a plan for the establishment of a permanent international tribunal. The almost continuous movement of thought in this direction since 1832 has been interrupted only by the late Spanish-American war.

A careful review of all the plans for an international tribunal that have thus far been proposed makes it evident that they have failed from two causes: (1) Too great elaboration and complication, involving too many debatable questions; and (2) the absence of an opportune occasion for proposing them to an authoritative international body.

The plan that is to prove successful, if a sufficient number of sovereign States be disposed to adopt any plan whatsoever for an international tribunal, must combine an adequate grasp of the conditions with an extreme simplicity, leaving much to the cooperation of others and the development of the future.

The introduction of a brief resolution at an opportune moment in the proposed Peace Conference would at least place the United States on record as the friend and promoter of peace. The resolution hereto appended is intended to embody in the briefest and simplest manner the most useful suggestions of all the plans proposed.

ANNEX B.

[*Annex to instructions of 1899.*]PLAN FOR AN INTERNATIONAL TRIBUNAL.^a

Resolved, That in order to aid in the prevention of armed conflicts by pacific means, the representatives of the sovereign powers assembled together in this conference be, and hereby are, requested to propose to their respective Governments a series of negotiations for the adoption of a general treaty having for its object the following plan, with such modifications as may be essential to secure the adhesion of at least nine sovereign powers.

1. The tribunal shall be composed of judges chosen on account of their personal integrity and learning in international law by a majority of the members of the highest court now existing in each of the adhering States, one from each sovereign State participating in the treaty, and shall hold office until their successors are appointed by the same body.

2. The tribunal shall meet for organization at a time and place to be agreed upon by the several Governments, but not later than six months after the general treaty shall be ratified by nine powers, and shall organize itself by the appointment of a permanent clerk and such other officers as may be found necessary, but without conferring any distinction upon its own members. The tribunal shall be empowered to fix its place of sessions and to change the same from time to time as the interests of justice or the convenience of the litigants may seem to require, and fix its own rules of procedure.

3. The contracting nations will mutually agree to submit to the International Tribunal all questions of disagreement between them, excepting such as may relate to or involve their political independence or territorial integrity. Questions of disagreement, with the aforesaid exceptions, arising between an adherent State and a non-adhering State, or between two sovereign States not adherent to the treaty, may, with the consent of both parties in dispute, be submitted to the International Tribunal for adjudication, upon the condition expressed in article 6.

4. The tribunal shall be of a permanent character and shall be always open for the filing of cases and counter cases, either by the contracting nations or by others that may choose to submit them, and all cases and counter cases, with the testimony and arguments by which they are to be supported or answered, are to be in writing. All cases, counter cases, evidence, arguments, and opinions expressing judgment are to be accessible, after a decision is rendered, to all who desire to pay the necessary charges for transcription.

5. A bench of judges for each particular case shall consist of not less than three nor more than seven, as may be deemed expedient, appointed by the unanimous consent of the tribunal, and not to include a member who is either a native, subject, or citizen of the State whose interests are in litigation in that case.

6. The general expenses of the tribunal are to be divided equally between the adherent powers, but those arising from each particular

^a To be presented, by direction of the Secretary of State, by the American delegates to the First Peace Conference. See Foreign Relations, 1899, p. 513.

case shall be provided for as may be directed by the tribunal. The presentation of a case wherein one or both of the parties may be a nonadherent State shall be admitted only upon condition of a mutual agreement that the State against which judgment may be found shall pay, in addition to the judgment, a sum to be fixed by the tribunal for the expenses of the adjudication.

7. Every litigant before the International Tribunal shall have the right to make an appeal for reexamination of a case within three months after notification of the decision, upon presentation of evidence that the judgment contains a substantial error of fact or law.

8. This treaty shall become operative when nine sovereign States, whereof at least six shall have taken part in the Conference of The Hague, shall have ratified its provisions.

REPORT OF THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907.

HON. ELIHU ROOT,
Secretary of State.

SIR: Pursuant to a request of the Interparliamentary Union, held at St. Louis in 1904, that a future peace conference be held and that the President of the United States invite all nations to send representatives to such a conference, the late Secretary of State, at the direction of the President, instructed, on October 21, 1904, the representatives of the United States accredited to each of the signatories to the acts of the The Hague Conference of 1899 to present overtures for a second conference to the ministers for foreign affairs of the respective countries.

The replies received to this circular instruction of October 21, 1904, indicated that the proposition for the calling of a second conference met with general favor. At a later period it was intimated by Russia that the initiator of the First Conference was, owing to the restoration of peace in the Orient, disposed to undertake the calling of a new conference to continue as well as to supplement the work of the first. The offer of the Czar to take steps requisite to convene a second international peace conference was gladly welcomed by the President, and the final act of the conference only recites in its preamble the invitation of the President.

The Russian Government thus assumed the calling of the conference, and on April 12, 1906, submitted the following programme, which was acceptable to the powers generally and which served as the basis of the work of the conference:

1. Improvements to be made in the provisions of the convention relative to the peaceful settlement of international disputes as regards the court of arbitration and the international commissions of inquiry.

2. Additions to be made to the provisions of the convention of 1899 relative to the laws and customs of war on land—among others, those concerning the opening of hostilities, the rights of neutrals on land, etc. Declaration of 1899. One of these having expired, question of its being revived.

3. Framing of a convention relative to the laws and customs of maritime warfare, concerning—

The special operations of maritime warfare, such as the bombardment of ports, cities, and villages by a naval force; the laying of torpedoes, etc.

The transformation of merchant vessels into war ships.

The private property of belligerents at sea.

The length of time to be granted to merchant ships for their departure from ports of neutrals or of the enemy after the opening of hostilities.

The rights and duties of neutrals at sea, among others the questions of contraband, the rules applicable to belligerent vessels in neutral ports; destruction, in cases of *vis major*, of neutral merchant vessels captured as prizes.

In the said convention to be drafted there would be introduced the provisions relative to war on land that would be also applicable to maritime warfare.

4. Additions to be made to the convention of 1899 for the adaptation to maritime warfare of the principles of the Geneva Convention of 1864.

The United States, however, reserved the right to bring to discussion two matters of great importance not included in the programme, namely, the reduction or limitation of armaments and restrictions or limitations upon the use of force for the collection of ordinary public debts arising out of contracts.

It was finally decided that the conference should meet at The Hague on the 15th day of June, 1907, and thus the conference, proposed by the President of the United States, and convoked by Her Majesty the Queen of The Netherlands upon the invitation of the Emperor of All the Russias, assumed definite shape and form.

It will be recalled that the First Peace Conference, although international, was not universal, for only a fraction of the powers recognizing and applying international law in their mutual relations were invited to The Hague. The fact that the uninvited might adhere to the conventions was foreseen by the conference itself, and the conventions concerning the laws and customs of land warfare and the adaptation to maritime warfare of the principles of the Geneva Convention of the 22d of August, 1864, provided that nonsignatory powers by adhering became admitted to the privileges as well as bound by the liabilities of the various conventions. The convention for the peaceful adjustment of international difficulties (art. 60) suggested eventual adherence of such countries, but made this conditioned upon an understanding to be reached by the contracting powers.

In the circulars of October 21 and December 16, 1904, it was suggested as desirable to consider and adopt a procedure by which States nonsignatory to the original acts of The Hague Conference may become adhering parties. This suggestion was taken note of by the Russian Government and invitations were issued to forty-seven countries, in response to which the representatives of forty-four nations assembled at The Hague and took part in the conference. No opposition was made to the admission of the nonsignatory States to the benefits of the convention of 1899 for the peaceful adjustment of international difficulties, and on the 14th day of June, 1907, the signatories of the First Conference formally consented under their hands and seals to the admission of the nonsignatory States invited to the Second Conference.

The delegation of the United States to the conference was composed of the following members:

Commissioners plenipotentiary with the rank of ambassador extraordinary: Joseph H. Choate, of New York; Horace Porter, of New York; Uriah M. Rose, of Arkansas.

Commissioner plenipotentiary: David Jayne Hill, of New York, envoy extraordinary and minister plenipotentiary of the United States to the Netherlands.

Commissioners plenipotentiary with rank of minister plenipotentiary: Brig. Gen. George B. Davis, Judge-Advocate-General, U. S. Army; Rear-Admiral Charles S. Sperry, U. S. Navy; William I. Buchanan, of New York.

Technical delegate and expert in international law: James Brown Scott, of California.

Technical delegate and expert attaché to the commission: Charles Henry Butler, of New York.

Secretary to the commission: Chandler Hale, of Maine.

Assistant secretaries to the commission: A. Bailly-Blanchard, of Louisiana; William M. Malloy, of Illinois.

The Dutch Government set aside for the use of the conference the Binnenhof, the seat of the States-General, and on the 15th day of June, 1907, at 3 o'clock in the afternoon, the conference was opened by his excellency the dutch minister for foreign affairs in the presence of delegates representing forty-four nations. In the course of his remarks his excellency offered "a tribute of gratitude to the eminent statesman who controls the destinies of the United States of America. President Roosevelt has greatly contributed to harvest the grain sown by the August Initiator of the solemn international conferences assembled to discuss and to render more exact the rules of international law which, as the States are the first to recognize, should control their relations."

At the conclusion of the address of welcome his excellency suggested as president of the conference His Excellency M. Nelidow, first delegate of Russia, and, with the unanimous consent of the assembly, M. Nelidow accepted the presidency and delivered an address, partly personal, in which, in addition to thanking the conference for the honor of the presidency, he called attention to the work of the First Conference and outlined in a general way the underlying purpose of the Second Conference and the hopes of the delegates assembled. At the termination of his address he proposed the personnel of the secretary-general's office.

At the next meeting of the conference, on the 19th day of June, the president proposed that the conference follow the procedure of the First Conference, adapting it, however, to the new conditions; for, as the conference was so large, it seemed advisable to draw up a series of rules and regulations to facilitate the conduct of business. The president thereupon proposed the following twelve articles, which were unanimously adopted, with the exception of the third paragraph of article 8, which was suppressed:

ARTICLE 1. The Second Peace Conference is composed of all the plenipotentiaries and technical delegates of the powers which have signed or adhered to the conventions and acts signed at the First Peace Conference of 1899.

ART. 2. After organizing its bureau, the conference shall appoint commissions to study the questions comprised within its programme.

The plenipotentiaries of the powers are free to register on the lists of these commissions according to their own convenience and to appoint technical delegates to take part therein.

ART. 3. The conference shall appoint the president and vice-presidents of each commission. The commissions shall appoint their secretaries and their reporter.

ART. 4. Each commission shall have the power to divide itself into sub-commissions, which shall organize their own bureau.

ART. 5. An editing committee for the purpose of coordinating the acts adopted by the conference and preparing them in their final form shall also be appointed by the conference at the beginning of its labors.

ART. 6. The members of the delegations are all authorized to take part in the deliberations at the plenary sessions of the conference as well as in the commissions of which they form part. The members of one and the same delegation may mutually replace one another.

ART. 7. The members of the conference attending the meetings of the commissions of which they are not members shall not be entitled to take part in the deliberations without being specially authorized for this purpose by the presidents of the commissions.

ART. 8. When a vote is taken each delegation shall have only one vote.

The vote shall be taken by roll call, in the alphabetical order of the powers represented.

[The delegation of one power may have itself represented by the delegation of another power.]

ART. 9. Every proposed resolution or desire to be discussed by the conference must, as a general rule, be delivered in writing to the president, and be printed and distributed before being taken up for discussion.

ART. 10. The public may be admitted to the plenary sessions of the conference. Tickets shall be distributed for this purpose by the secretary-general with the authorization of the president.

The bureau may at any time decide that certain sessions shall not be public.

ART. 11. The minutes of the plenary sessions of the conference and of the commissions shall give a succinct résumé of the deliberations.

A proof copy of them shall be opportunely delivered to the members of the conference and they shall not be read at the beginning of the sessions.

Each delegate shall have a right to request the insertion in full of his official declarations according to the text delivered by him to the secretary, and to make observations regarding the minutes.

The reports of the commissions and subcommissions shall be printed and distributed before being taken up for discussion.

ART. 12. The French language is recognized as the official language of the deliberations and of the acts of the conference.

The secretary-general shall, with the consent of the speaker himself, see that speeches delivered in any other language are summarized orally in French.

The president stated that the programme for the work of the conference was so elaborate that a division of the conference into four commissions would be advisable; that in so doing the precedent of 1899 would be followed, for the First Conference apportioned the subjects enumerated in the programme among three commissions. The following dispositions were thereupon proposed and agreed to:

FIRST COMMISSION.

Arbitration.

International commissions of inquiry and questions connected therewith.

SECOND COMMISSION.

Improvements in the system of the laws and customs of land warfare.

Opening of hostilities.

Declarations of 1899 relating thereto.

Rights and obligations of neutrals on land.

THIRD COMMISSION.

Bombardment of ports, cities, and villages by a naval force.

Laying of torpedoes, etc.

The rules to which the vessels of belligerents in neutral ports would be subjected.

Additions to be made to the convention of 1899 in order to adapt to maritime warfare the principles of the Geneva Convention of 1864, revised in 1906.

FOURTH COMMISSION.

Transformation of merchant vessels into war vessels.

Private property at sea.

Delay allowed for the departure of enemy merchant vessels in enemy ports.

Contraband of war. Blockades.

Destruction of neutral prizes by *force majeure*.

Provisions regarding land warfare which would also be applicable to naval warfare.

The president thereupon proposed as presidents or chairmen of the various committees the following delegates:

First commission: M. Léon Bourgeois.

Second commission: M. Beernaert; assistant president, M. T. M. C. Asser.

Third commission: Count Tornielli.

Fourth commission: M. de Martens.

At the same time the president designated as honorary presidents of the third and second commissions Messrs. Joseph H. Choate and Horace Porter, and as a member of the correspondence committee Hon. Uriah M. Rose. The president recommended that the deliberations be kept secret, or, at least, that they be not communicated by members to the press. The recommendation was unanimously adopted, but was not universally adhered to by the delegates.

The first, second, and third commissions were subsequently divided into subcommissions in order to reduce the numbers and to facilitate the work, and at various times committees of examination were appointed by each of the commissions in order still further to reduce membership and to present in acceptable form projects accepted in principle but not in detail by the various commissions. Finally, in order to correct the language and to assign the various projects already approved to their proper place in the final act, a large editing committee (*comité de rédaction*) was appointed at a meeting of the conference and a subcommittee was appointed, consisting of eight members, to do the work of the large committee and report to it. It may be said that the American delegation was represented on almost all of these various committees and subcommittees.

The actual work of the conference was, therefore, done in commission and committee. The results, so far as the several commissions desired, were reported to the conference sitting in plenary session for approval, and, after approval, submitted to the small subediting committee for final revision, which, however, affected form, not substance. The results thus reached were included in the final act and signed by the plenipotentiaries on the 18th day of October, 1907, upon which date the conference adjourned.

The positive results of the conference might be set forth, with perhaps equal propriety, in either one of two ways: First, by discussing the work of each commission and the results accomplished by each, or, secondly, by enumerating and describing the results in the order in which they appear, arranged by the conference itself, in the final act. The first method would have the advantage of showing the work of each commission as a whole from the presentation of the various projects until they took final shape in the commission and were approved by the conference in plenary session. As, however, important projects were considered by the commission, but were not voted upon by the conference, or, if voted in a form so modified as

to appear almost in the nature of original propositions, and inasmuch as the various conventions and measures adopted are arranged in the final act without specific reference to the commissions, it seems advisable to follow the order of the final act, so that each measure may occupy the place in the report which was assigned to it by the conference itself. This arrangement will bring into prominence the result rather than the means by which the result was reached, and will prevent in no slight measure repetition and duplication.

Following then the order of the final act, the various conventions, declarations, resolutions, and recommendations are prefaced by an apt paragraph setting forth the spirit which animated the conference:

In a series of reunions, held from June 15 to October 18, 1907, in which the delegates aforesaid have been constantly animated by the desire to realize in the largest measure possible the generous views of the August Initiator of the Conference and the intentions of their Governments, the conference adopted, to be submitted to the signatures of the plenipotentiaries, the text of the conventions and of the declaration hereinafter enumerated and annexed to the present act.

The final act then enumerates fourteen subjects, thirteen of which are conventions and one is a declaration. Of each of these in turn.

I.—CONVENTION FOR THE PEACEFUL ADJUSTMENT OF INTERNATIONAL DIFFERENCES.

This convention is, both in conception and execution, the work of the First Peace Conference, of 1899, but the eight years which have elapsed since its adoption suggested many improvements and modifications and not a few additions. The extent of the changes will be evident from the mere statement that while the convention of 1899 contained sixty-one articles, the revision of 1907 contains ninety-seven articles. But these figures throw no light upon the nature and importance of the changes. The structure of 1899, however, practically remains intact, the chief addition being the provision for summary procedure proposed by the French delegation and accepted by the conference. (Title IV, Chapter IV, arts. 86-90.) All important changes which tended either to enlarge the scope of the convention or to facilitate its application, thereby rendering it more useful, will be discussed in detail in the order of the convention.

Articles 2 to 8 of Title II of the revised convention deal with good offices and mediation, and in this title there is only one change of importance, namely, the insertion of the word "desirable" in article 3, so that the extension of good offices by powers strangers to the conflict is considered not merely useful, as in the convention of 1899, but desirable, as revised by the conference of 1907. The change is perhaps slight, but the powers might well consider a thing useful and yet consider it undesirable. It may well be that the word "desirable" is a step toward moral duty and that in time it may give rise to legal obligation. The same may be said of the insertion of the word "desirable" in article 9, making the recourse to the international commission of inquiry desirable as well as useful. Both additions were proposed by the American delegation and accepted unanimously by the conference. In this connection it may be advisable to note that a like change has been made upon the proposal of Austria-Hungary in the revision of article 16 of the original

convention, so that the arbitration of judicial questions and questions of interpretation and application of international conventions is declared to be not only efficacious and equitable but desirable. (Art. 38.)

Title III in both the original and revised conventions deals with international commissions of inquiry; but while the convention of 1899 contained but six articles (9-14, inclusive), the revision contains twenty-eight. A little reflection shows the reason for the great care and consideration bestowed upon the commission of inquiry by the recent conference. In 1899 an institution was created which was hoped would be serviceable. In 1907 the creation was revised and amplified in the light of practical experience, for the institution, theoretically commendable, had justified its existence at a very critical moment, namely, by the peaceful settlement of the Dogger Bank incident (1904). The provisions of 1899 were meager and insufficient to meet the needs of a practical inquiry. In 1907 the procedure actually adopted by the commission of inquiry was presented to the conference, studied, considered, and made the basis of the present rules and regulations. The nature of the commission of inquiry is, however, unchanged. It was and is an international commission charged with the duty of ascertaining the facts in an international dispute, and its duty is performed when the facts in controversy are found. It does not render a judgment, nor does it apply to the facts found a principle of law, for it is not a court. (Art. 35.)

The seat of the commission is The Hague, but the parties may provide in the agreement of submission that the commission meet elsewhere (art. 11), or the commission may, after its formation and during its session at The Hague, transport itself, with the consent of the parties, to such place or places as may seem appropriate to ascertain the facts in controversy. The parties litigant not only bind themselves to furnish to the commission of inquiry, in the largest measure possible, the means and facilities necessary for the establishment of the facts, but the contracting powers agree to furnish information in accordance with their municipal legislation unless such information would injure their sovereignty or security.

As previously said, the First Conference created the commission of inquiry, but left it to the parties to the controversy to fix the procedure, specifying only that upon the inquiry both sides be heard. If the procedure were not established in advance by the litigating powers, it was then to be devised by the commission. (Art. 10.) The disadvantages of this provision are apparent. The parties, inflamed by passion or ill at ease, were, upon the spur of the moment, to devise an elaborate code of procedure, a task which might well be as difficult as to ascertain the facts in dispute. In the next place, if they did not do so, the commission was to fix the procedure. That this task might well be intrusted to the commission is proved by the fact that the commission of 1904 did in fact devise a satisfactory code. But the procedure thus framed could not be known to the litigating countries in advance, and the agents and counsel were thus deprived of the opportunity of familiarizing themselves with it before entering upon the case.

The revision of 1907, therefore, aims to obviate this difficulty by establishing a careful code of procedure based upon the experience of the commission of 1904. It is practical in its nature, for it is

based upon actual practice. It provides in advance the procedure of the commission, thus relieving the parties from this serious task and leaving the commission free to begin its labors without the necessity of drawing up an elaborate system of rules and regulations for the conduct of business before it. The procedure, however, is not obligatory, for the parties may, if they choose, specify in the submission the procedure to be followed (art. 10), but the conference recommended a code of procedure which was to be applied if the parties did not adopt other rules (art. 17). The revision of the title devoted to international commissions of inquiry received the unanimous approval of the conference.

The selection of commissioners is, and must always be, a matter of delicacy and difficulty. Facts as seen by one person differ from those as seen by another, and national interest tends unconsciously to warp the judgment of one whose country is involved in the controversy. But the value of the findings of fact depends upon their accuracy. If possible, they should be found by a tribunal from which nationals are excluded. The world does not seem to be ready for this ideal solution, but the conference made a serious step toward it by associating strangers to the controversy with the commissioners. Article 12 of the revised convention for the peaceful adjustment of international differences provides that the commissioners of inquiry, in the absence of a special agreement to the contrary, shall be chosen in accordance with articles 45 and 57 of the revised convention. These articles read as follows:

ART. 45. When the contracting powers desire to have recourse to the permanent court for the settlement of a difference that has arisen between them, the arbitrators called upon to form the competent tribunal to decide this difference must be chosen from the general list of members of the Court.

Failing the agreement of the parties on the composition of the arbitration tribunal, the following course shall be pursued:

Each party appoints two arbitrators, of whom only one shall be its citizen or subject, or chosen from among those who have been designated by it as members of the permanent court. These arbitrators together choose an umpire.

If the votes are equal, the choice of the umpire is intrusted to a third power, selected by the parties by common accord.

If an agreement is not arrived at on this subject, each party selects a different power, and the choice of the umpire is made in concert by the powers thus selected.

If these two powers have been unable to agree within a period of two months, each of them presents two candidates taken from the list of the members of the permanent court, outside of the members designated by the parties and not being the citizens or subjects of either of them. It shall be determined by lot which of the candidates thus presented shall be the umpire.

ART. 57. The umpire is by right president of the tribunal.

When the tribunal does not include an umpire, it appoints its own president.

A consideration of article 45 discloses that at least one of the commissioners or arbitrators shall be a stranger to the controversy. Article 32 of the convention of 1899 left both commissioners or arbitrators to the free choice of the selecting power. In the next place, it will be noted that the revised convention endeavors to secure the composition of the commission or court by providing ample machinery for the selection of the umpire. In the convention of 1899, in case of an equality of votes, the selection of the umpire was confided to a third power designated by the common accord of the parties to the controversy. If, however, the parties failed to agree upon the third power in question, each litigant chose a neutral power, and these

neutral powers selected the umpire. It might well happen, however that the agents would be as far from agreement as the principals. The revision therefore provided that in case of disagreement each litigant power should select two members from the list of the permanent court, who should neither be citizens nor owe their appointment to a designating power; that thereupon the umpire should be chosen by lot from the members of the court so designated.

It will therefore be seen that the commission or court will consist of a body of five, at least two of whose members must be strangers to the controversy. The umpire selected by their common accord may be indifferent. If the commissioners or arbitrators fail to agree and make use of the machinery provided, it follows that the umpire selected is a stranger to the controversy, and of the commission or court consisting of five competent persons a majority, that is to say, three, would be persons having no national interest or bias in the controversy. It would seem, therefore, that the revised convention offers a guaranty for the finding of the facts as impartially as can be the case when national representatives are members of a small commission or court. As these provisions apply to the selection of arbiters for the constitution of the court at The Hague, it is not necessary to refer to them again in detail.

Article 48 of the revision of the convention of 1899 reads as follows:

The signatory powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the permanent court is open to them.

Consequently, they declare that the fact of reminding the conflicting parties of the provisions of the present convention, and the advice given to them, in the highest interests of peace, to have recourse to the permanent court, can only be regarded as friendly actions.

To these two paragraphs was added the following provision:

In case of a controversy between two powers, one of them may always address to the International Bureau a note containing its declaration that it is willing to submit the difference to arbitration.

The bureau shall immediately make the declaration known to the other power.

The American delegation of 1899 made the following reserve regarding this article, and the American delegation of 1907 repeated the reserve in the exact language of 1899:

Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not entering upon, interfering with, or entangling itself in the political questions or internal administration of any foreign state, nor shall anything contained in the said convention be so construed as to require the relinquishment, by the United States of America, of its traditional attitude toward purely American questions.

The changes regarding the permanent court of arbitration, as in the case of the commission of inquiry, relate chiefly to procedure. In this, as in the previous case, the amendments were the result of experience gained in the actual trial of cases.

In the first place, article 52, a revision of article 31, provides that the agreement to arbitrate (the *compromis*) shall specify in detail the period for the appointment of the arbitrators, the form, order, and periods within which the various documents necessary to the arbitration shall be communicated (art. 63), the amount of money which each party shall deposit in advance to cover expenses. In addition, the agreement to arbitrate shall also, if there is occasion,

determine the manner of appointment of the arbitrators, all special powers which the tribunal may have, its seat, the language which it will use and those whose use will be authorized before it, and, in general, all the conditions which the parties have agreed upon.

It is often difficult to formulate the question to be submitted to the court, and it may well be that the parties litigant, although willing to arbitrate, may not agree upon the form of submission. In order, therefore, to aid the parties, not to coerce them, the revised convention provides a method by which the permanent court is competent to draw up the agreement to arbitrate if the parties agree to leave it to this court. It may happen that one party is willing and the other is not. The convention therefore provided that in such a case the court might, upon the request of one of the parties, formulate the *compromis*. The exact language of the article follows:

After an agreement through diplomatic channels has been attempted in vain it is likewise competent, even if the request is made by only one of the parties in case—

(1) Of a difference comprised within a general arbitration treaty concluded or renewed after this convention goes into force, providing an agreement to arbitrate for each difference, and neither explicitly nor implicitly barring the competency of the court to draw up such agreement to arbitrate. However, recourse to the court shall not be had if the other party declares that the difference does not in its opinion belong to the category of differences to be submitted to compulsory arbitration—unless the arbitration treaty confers upon the arbitral tribunal the power to decide this preliminary question.

(2) Of a difference arising from contractual debts claimed by one power of another power as being due to its citizens or subjects, and for the solution of which the offer of arbitration has been accepted. This provision is not applicable if the acceptance has been made contingent on the condition that the agreement to arbitrate shall be drawn up in another manner.

If the other party consents, and the moral pressure will be great, the special agreement may be reached in this manner; but as the court is not permanently in session and would have to be constituted for the express purpose of formulating the agreement, it follows that the agreement must in reality be the result of the consent of both parties, because the court can only be constituted by the joint act and cooperation of both parties litigant. It is supposed, however, that the presence of such a possibility may lead disputants to reach a conclusion, even although they do not care to avail themselves of the machinery provided.

It should be noted that the second section of article 53 refers to the arbitration of differences arising from contractual debts. As the agreement to renounce the use of force depends upon arbitration, and as arbitration is impossible without the preliminary agreement of submission, it may happen that a failure to agree would destroy, in large measure, the value of the convention. It is hoped that the provisions of this article will enable the agreement to be formulated in extreme cases and thus exclude even the suggestion of force.

The other changes made in the procedure are important, but are not of a nature to cause discussion or comment, because they facilitate but do not otherwise modify the proceedings before the court.

Chapter IV of the revised convention deals with summary arbitration proceedings. Experience shows that it is difficult to constitute the permanent court, and that a trial before it is lengthy as well as costly. The conference, therefore, adopted the proposal of the French delegation to institute a court of summary procedure, con-

sisting of three judges instead of five, with a provision that the umpire, in case of disagreement, be selected by lot from members of the permanent court strangers to the controversy. The proceedings are in writing, with the right of each litigant to require the appearance of witnesses and experts. It was hoped that a small court with a summary procedure might lead nations to submit cases of minor importance and thus facilitate recourse to arbitration and diminish its expense.

From this brief survey of the amendments to the convention for the peaceful adjustment of international differences it will be seen that they are not in themselves fundamental, that they do not modify the intent or purpose of the original convention, but that they render the institution of 1899 more efficient in the discharge of its duties. The American delegation, therefore, assisted in the work of revision and signed the convention.

II.—CONVENTION CONCERNING THE LIMITATION OF THE EMPLOYMENT OF FORCE IN THE COLLECTION OF CONTRACT DEBTS.

This convention is composed of but two paragraphs, and in simplest terms provides for the substitution of arbitration for force in the collection of contractual debts claimed of the government of one country by the government of another country to be due to its nationals. The renunciation of the right to use force is explicit, but to receive the full benefit of this renunciation the debtor must in good faith accept arbitration. Should the parties be unable, or should it be difficult, to formulate the special agreement necessary for the submission of the case, resort may be had to the permanent court for the establishment of the special agreement (*compromis*) in accordance with article 53 of the convention for the peaceful adjustment of international differences.

Finally, the arbitration shall determine, in the absence of agreement between the parties, the justice and the amount of the debt, the time and the mode of payment thereof. It would seem, therefore, that this convention of but two articles will prevent a recourse to force in the future for the collection of contract debts. It should not be overlooked that the agreement to arbitrate is obligatory upon debtor as well as creditor and that the acceptance of the convention is a triumph for the cause of arbitration. It is true that the right to use force was only renounced conditioned upon an arbitration of the indebtedness, but it is not too much to say that the debtor nation may henceforth protect itself from the danger of force and that the application or nonapplication of force really depends upon the good faith of the debtor. This convention was introduced by the American delegation and adopted by the conference.

III.—CONVENTION RELATIVE TO THE OPENING OF HOSTILITIES.

The convention is very short and is based upon the principle that neither belligerent should be taken by surprise and that the neutral shall not be bound to the performance of neutral duties until it has received notification, even if only by telegram, of the outbreak of war. The means of notification is considered unimportant, for if the neutral knows, through whatever means or whatever channels, of the

existence of war, it can not claim a formal notification from the belligerents before being taxed with neutral obligations. While the importance of the convention to prospective belligerents may be open to doubt, it is clear that it does safeguard in a very high degree the rights of neutrals and specifies authoritatively the exact moment when the duty of neutrality begins. It is for this reason that the American delegation supported the project and signed the convention.

IV.—CONVENTION CONCERNING THE LAWS AND CUSTOMS OF WAR ON LAND.

The conference of 1899 codified the laws of warfare on land within the compass of sixty articles, to which was prefaced an introduction of a formal nature consisting of five articles. The recent conference revised the convention of 1899, modified it in parts, and added various provisions in order to render the codification as complete and thorough, as accurate and scientific, as the changeable nature of the subject will permit. Following the arrangement of 1899, the revised convention contains several introductory articles, one of which will be discussed later. The various modifications and the additions of the revised convention will be briefly set forth in the order of the convention.

Article 2 is substantially the original text of 1899, with the additional requirement that the population of a nonoccupied territory shall be considered as belligerent "if it carries arms openly and respects the laws and customs of war." States with large permanent armies are unwilling to accord belligerent rights to populations rising at the approach of an enemy. The smaller States, on the contrary, which do not maintain large standing armies, rely upon the patriotism of the mass of the people. This article is conceived in the interest of the small power with a small standing army, but requires that the population shall not only conform to the laws of war, but shall bear arms openly, so that their military character may be evident.

Article 5 is amended in the interest of the prisoners of war. In its original form the article permitted the internment of prisoners and their confinement "as an indispensable measure of security." The right of confinement is restricted by the addition of the phrase "and only during the existence of the circumstances which necessitate that measure."

Article 6 is slightly modified and improved by withdrawing from captor States the right to utilize the labor of "commissioned officers." The final paragraph of the original article provided that prisoners should be paid for their work and labor according to the tariffs in force for soldiers of the national army. As it appeared that tariffs in this case were not universal, the following clause was added: "If there are no established rates, at rates appropriate to the work done."

The bureau of information regarding prisoners of war was established by article 14 and, although excellent in conception, is defective in certain regards; for example, inadequate provision is made for keeping the records of individual prisoners of war and for the disposition of their records at the termination of the war. The revision supplies the omissions.

Article 17 in original form provided that officers who were prisoners of war should receive pay according to the tariff of their country. As, however, many nations, including the United States, allow no pay to such prisoners, the article was revised and modified to read as follows:

The Government will allow to officers who are prisoners in its hands the pay to which officers of the same grade are entitled in its own service, subject to the condition that it shall be reimbursed by their own Government.

To a nation which cultivates neutrality this provision can impose no serious burden.

Article 23 prohibits certain means of destruction and certain actions of belligerents. To the large category are added two additional paragraphs. It is forbidden to declare extinguished, suspended, or inadmissible in courts of justice the rights and choses in action of the citizens or subjects of the adverse party. The second addition demands more than a quotation, for the additional paragraph forbids a belligerent to force enemy citizens or subjects into taking part against their country, even although such citizens or subjects may have been in its service before the commencement of the war. While it can not be said that war is exclusively a relation between State and State, the modern tendency is to exclude peaceful noncombatants from its rigors. The inhibition of this paragraph frees the population of an invaded territory from being called upon and forced to serve and extends the inhibition to those who may have been in the service of the belligerent before the outbreak of the war. Attention may be called in this place to article 44, which further extends and safeguards the right of the inhabitants of occupied territory by forbidding the enemy to force the inhabitants to give information concerning the opposing army or its means of defense.

The original article 25 forbade belligerents to attack or bombard undefended towns, villages, dwelling places, or buildings. The framers of this article had in view the ordinary means of attack and bombardment. The increased employment of balloons or other like agencies in military operations suggested the insertion of the phrase "by any means whatsoever," so that undefended towns, villages, dwellings, or buildings are not subject to land, aerial, or, as will be seen later, naval attack. (See Convention IX.) In article 27 historical monuments are included in the buildings exempt from bombardment.

A slight addition is made to article 52, providing that the payment of levies in kind, verified by receipts, "shall be arranged for as soon as possible." A nearer approach is thus made to final payment.

Article 53 as amended brings within the scope of military operations "all means of communication and of transport employed on land or sea or in the air for the conveyance of persons, things, or messages," but provides that they shall be restored and indemnities agreed upon at the establishment of peace. The last paragraph of the article provides that submarine cables connecting the occupied or hostile territory shall only be subject to destruction or seizure in case of absolute necessity. They are likewise to be restored and indemnities agreed upon.

Such are the changes suggested by the experience of the past eight years proposed to and adopted by the conference. Few in number, their importance is considerable, if for no other reason, that they

make for completeness, supplying omissions and resolving doubts. An officer in the field can not well be expected to weight and balance with nicety the vexed problems of international law. A clear and concise code, is what he needs and must have. This the convention supplies, and it must therefore be widely acceptable, although we may well cherish the hope that its dispositions may not be tested for years upon the battlefield or in campaign.

In one respect, however, the revised convention clearly surpasses its predecessor, for article 3 of the introduction supplies a sanction for the violation of its provisions. To quote literally:

The belligerent party who shall violate the requirements of these regulations shall be held to indemnity in a proper case. It will be responsible for all acts committed by persons forming a part of its armed forces.

Upon this article and the reasons prompting it the military delegate uses the following apt and convincing language:

It is one of the most essential rules of international good neighborhood that the states composing the family of nations shall be guided by the highest good faith in the execution of their treaty obligations. The rules of war of 1899 form no exception to this wholesome and necessary rule. It should be observed, however, that the several requirements of the undertaking are carried into effect—not under the immediate control and direction of the foreign offices of the signatory powers, but by military officers in the theater of hostile activity, each acting within the sphere of his command and duty in the military establishment of the belligerent under whose flag he serves. It is not surprising that differences of interpretation and of execution should have arisen in the application of the convention of 1899, or that undue severity should have been shown, from time to time, in the exercise of authority by subordinate commanders. To correct this dangerous tendency and give due emphasis to the well-established administrative principle that the state itself is responsible for the acts of its military commanders and subordinate agents, it was determined to add a concluding paragraph having some of the aspects of a penal clause. Its operation will be to require those charged by their governments with the exercise of high military command to maintain such a constant supervision over the acts of their subordinates as will be calculated to secure the exact and rigorous enforcement of the several requirements of the convention.

If the circumstances of a particular war are such as to suggest the application of a rule of limitation to cases arising under the article, such mutual stipulations in that regard as are warranted by the facts may properly find a place in the treaty of peace.

V.—CONVENTION CONCERNING THE RIGHTS AND DUTIES OF NEUTRAL POWERS AND PERSONS IN LAND WARFARE.

This convention is divided into five chapters, dealing, respectively, with the rights and duties of neutral powers (arts. 1–10), prisoners and wounded in neutral territory (arts. 11–15), neutral persons (arts. 16–18), railroad material (art. 19), and, finally, dispositions of a formal nature.

The various provisions of the first chapter are largely declaratory of international law and of recognized usage, providing, generally, for the inviolability of neutral territory (art. 1) and that forcible repression of violations of neutral territory can not be considered a hostile act (art. 10); that belligerents may not use neutral territory for purposes of transit either of army or supplies (art. 2); that belligerents shall not install upon neutral territory wireless-telegraph apparatus (art. 3); that detachments shall not be recruited or enrolled in neutral territory (art. 4), but a neutral is not taxed with responsibility by the sole fact that individuals pass its frontiers

singly to take service with the enemy (art. 6); that the neutral should not tolerate upon its territory any acts falling within articles 2-4, but is only constrained to punish these acts as contrary to neutrality if actually committed upon its territory (art. 5); that a neutral is not bound to forbid or hinder the exportation or transit, for the account of either belligerent, of arms, munitions, or, in general, of anything which may be useful to an army or fleet (art. 7); nor is it obliged to interdict or restrain the use by belligerents of its cables, telephones, or telegraphic apparatus, whether owned by the state or private companies (art. 8); but the provisions of articles 7 and 8 shall be applied indiscriminately to either belligerent.

The provisions of the chapter dealing with the treatment in neutral countries of interned prisoners and wounded are humanitarian in all their parts and require no comment.

Chapter III, dealing with neutral persons, is but a fragment of the various articles submitted by the German delegation to safeguard the rights of neutral persons and property found upon enemy territory. Briefly, they may be summarized as follows: Citizens or subjects of a neutral state not taking part in the war are considered neutrals (art. 16), but lose their neutral character if they commit acts of hostility against or in favor of a belligerent, especially if they take service with one or the other enemy (art. 17). The neutral character, however, is not forfeited by the following acts:

a. Supplies furnished or loans voluntarily made to one of the belligerent parties, provided the furnisher or lender is not a resident of the territory of the other party or of territory in its military occupation and the supplies furnished are not furnished from either of these territories.

b. Services rendered in connection with police or civil administration.

Chapter IV consists of but a single article, providing, briefly, that railroad material belonging to neutral states, corporations, or private individuals shall only be requisitioned or used by a belligerent in case of imperious necessity; that it shall be returned to the country of origin as soon as possible; that a neutral may use like property belonging to a belligerent in case of necessity, and that an indemnity shall be paid for such use (art. 19). This last article is unlikely to have any great importance in a country so situated as the United States, but to a country surrounded by strong and powerful neighbors, as is Luxemburg, the proposer of the article, it may be of no little advantage.

The convention as a whole received the support of the American delegation and was signed by the plenipotentiaries.

VI.—CONVENTION REGARDING THE ENEMY'S SHIPS OF COMMERCE AT THE BEGINNING OF HOSTILITIES.

The uninterrupted practice of belligerent powers since the outbreak of the Crimean war has been to allow enemy merchant vessels in their ports at the outbreak of hostilities to depart on their return voyages. The same privilege has been accorded to enemy merchant vessels which sailed before the outbreak of hostilities, to enter and depart from a belligerent port without molestation on the homeward voyage. It was therefore the view of the American delegation that the privilege had acquired such international force as to place it in the category of obligations. Such, indeed, was the view of a majority of the con-

ference, but as the delegation of Great Britain adhered to the opinion that such free entry and departure was a matter of grace, or favor, and not one of strict right, the articles regard it as a delay by way of favor and refer to the practice as desirable.

In support of the American view the case of the *Buena Ventura* is in point. This case was decided in 1899, and in his opinion Justice Peckham says:

It being plain that merchant vessels of the enemy carrying on innocent commercial enterprises at the time or just prior to the time when hostilities between the two countries broke out would, in accordance with the later practice of civilized nations, be the subject of liberal treatment by the Executive, it is necessary when his proclamation has been issued, which lays down rules for treatment of merchant vessels, to put upon the words used therein the most liberal and extensive interpretation of which they are capable; and where there are two or more interpretations which possibly might be put upon the language, the one that will be most favorable to the belligerent party, in whose favor the proclamation is issued, ought to be adopted.

This is the doctrine of the English courts, as exemplified in *The Phoenix* (Spink's Prize Cases, 1, 5) and *The Argo* (Id., p. 52). It is the doctrine which this court believes to be proper and correct. *The Buena Ventura* (175 U. S., 388).

At the first reading, the convention seems to confer a privilege upon enemy ships at the outbreak of war. Free entry and departure are provided for, ships are not to be molested on their return voyages, and a general immunity from capture is granted to vessels from their last port of departure, whether hostile or neutral. But all these immunities are conditioned upon ignorance of the existence of hostilities on the part of the ship. This condition forms no part of the existing practice, and it was the opinion of the delegation that it substantially neutralized the apparent benefits of the treaty and puts merchant shipping in a much less favorable situation than is accorded to it by the international practice of the last fifty years.

An enemy merchant vessel approaching a hostile port which is notified by an armed cruiser, or which obtains the information under circumstances calculated to charge it with knowledge of the fact that hostilities exist, forfeits the immunities conferred by the treaty and becomes, *eo instante*, liable to capture. As the freight trade of the world is carried on in steamers which habitually carry only enough coal to reach their destination, the operation of the treaty is to render them instantly liable to capture, the alternative being to continue to the hostile destination and surrender.

The convention operates powerfully in favor of a State having a predominant naval force and possessed of numerous ports throughout the world, so situated that a merchant vessel carrying its flag may take refuge in such ports on being notified that hostilities exist. All other powers would be placed in a position of great disadvantage, and their merchant marine would suffer incalculable injury as the result of its adoption.

The effects upon the practice of marine insurance are also important. The ordinary contract does not cover a war risk. The operation of a war risk is simple because its conditions and incidents are fully known. But a policy calculated to cover the contingency of capture, the risk depending upon the chance or possibility of notification would introduce an element of uncertainty into marine risks which in view of the interests at stake, should not be encouraged.

The convention also presents an undesirable alternative in the treatment of enemy merchant ships, in that it provides that in certain cases they may be seized "subject to restoration after the war without indemnity" or to "immediate requisition with indemnity." As merchant marine commerce is carried on it is obvious that the condition of the cargo which is detained in indifferent or inefficient custodianship during the ordinary duration of war would approach confiscation. It would also be substantially impossible to make such a risk the subject of a practicable contract of insurance.

The foregoing convention was not signed by the delegation, and its acceptance as a conventional obligation is not recommended.

VII.—CONVENTION FOR REGULATING THE TRANSFORMATION OF VESSELS OF COMMERCE INTO VESSELS OF WAR.

The delegation found no objection to the requirements of the foregoing convention in so far as its application to the transformation of purchased or chartered vessels into public armed vessels is concerned.

The preamble recites the fact that the powers have been unable to come to an agreement as to the transformation of a merchant vessel into a public armed vessel on the high seas in time of war. For that reason the convention is silent as to the place where such transformation shall take place, and the several articles of the convention are restricted in their operation to such other incidents of the transformation as relate to the authority to make it, the public record of the fact, the external marks of the transformed vessel, the character of the officers and crew, the discipline to be maintained, and the subjection of the vessel in its operations to the rules of maritime warfare.

It will be noted that the question of the place where the transformation of vessels of commerce into vessels of war is expressly excluded by the preamble to the convention because the conference was unable to harmonize the divergent views upon this matter. The American delegation, wishing to obviate controversies in the future, insisted that the transformation should take place either within the home port or territorial waters of the transforming country. Other delegations insisted that the transformation might take place not only within the home ports and territorial waters, but upon the high seas. As the difference of opinion was radical and irreconcilable, it was agreed to eliminate the question from the convention, but with such elimination the convention ceased to have any great value.

The delegation would, perhaps, have approved and signed the convention as it stands were it not for the fact that the conference considered its provisions as the corollary of the Declaration of Paris and as a guaranty against a more or less disguised return to the practice of privateering. The United States has not renounced the right to resort to privateering, although it has on various occasions expressed a willingness so to do if the inviolability of unoffending private property belonging to the enemy on the high seas be guaranteed. The American delegation made a declaration to that effect at the thirteenth session of the committee of examination and repeated it

at the seventh plenary session of the conference on September 27, 1907, in the following language:

It is evident that the propositions incorporated in the report of the committee of examination have for their principal object the reiteration of the Declaration of Paris relative to the abolition of privateering. It is well known that the Government of the United States of America has not adhered to that declaration for the sole reason that it refuses to recognize the inviolability of private property on the high seas. The propositions submitted present questions solely for the consideration of the powers which are signatories of the Declaration of Paris, and consequently our delegation must, for the present, decline to participate in their discussion and abstain from voting. If, however, the conference, by its action, should establish the inviolability of private property on the seas, this delegation would be pleased to vote for the abolition of privateering.

The delegation was not unmindful of an internal and constitutional question in taking this action, for Congress is given by the Constitution the power "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water." (Constitution, Art. I, sec. 8, cl. 10.) At various times Congress has exercised this right, by the acts of June 18, 1812, June 26, 1812, and January 27, 1813, the latter two in furtherance of or amendment to the original act of 1812. In view of the constitutional origin and nature of the right to grant letters of marque and reprisal, and in view of the fact that this right has been exercised by Congress, it seemed to the American delegation inadvisable to seek to bind the United States by conventional stipulations.

VIII.—CONVENTION IN REGARD TO THE PLACING OF SUBMARINE MINES.

The question of imposing restrictions upon the employment of submarine mines gave rise to extensive discussion and was made the subject of numerous propositions. Some of these were adopted and some were rejected by the conference. It is quite safe to say, however, that, due to the enormous loss of life and property as a result of the floating mines in the China Sea since the close of hostilities in the vicinity of Port Arthur, international public opinion now demands that anchored mines which may break loose from their moorings, shall, by the fact of going adrift, become harmless. There is a similar demand that nonanchored mines, if employed by belligerents in time of war, shall become inoffensive within a very short time, one or two hours at the longest, after they have passed out of the control of the party who planted them in the high seas or in the territorial waters of a belligerent. Beyond this, if there has been a formulation of public opinion, it is not unanimous and, possibly for that reason, has not found unequivocal expression.

The clauses which were inserted in deference to the demands of the insistent public opinion of the civilized world are embodied in the three numbered paragraphs of Article I. In Article II the placing of mines is prohibited along the coasts or before the ports of an adversary for the sole purpose of interrupting commercial navigation. In other words, a blockade may not be established and maintained by the sole use of submarine mines. Articles III, IV, and V are intended to provide for the safety of navigation of mine fields by commercial vessels and to insure the removal of mines at the close of the war. Article IV permits neutrals to use mines in the enforcement of their neutral rights and duties. Article VI contains the stipulation that powers whose existing systems of mine

defense do not conform to the requirements of the convention shall bring about such conformity "as soon as possible." In Article VII the life of the convention is restricted to seven years, or until the close of a Third Peace Conference if that date is earlier.

The convention as adopted by the conference in plenary session was generally acceptable to maritime powers and was approved by the delegation of the United States.

IX.—CONVENTION CONCERNING THE BOMBARDMENT OF UNDEFENDED PORTS, CITIES, AND VILLAGES BY NAVAL FORCES IN TIME OF WAR.

The question which the conference undertook to regulate by a convention might be considered academic were it not for the fact that the possibility of the bombardment of undefended ports, cities, and villages has been suggested and fear expressed that it be carried into practice. It is therefore advisable to prevent in express terms the occurrence of such bombardments; a precedent exists, and the convention brings the rules of land and naval warfare into exact harmony. For example, the rule adopted by the conference of 1899 is as follows: "The attack or bombardment of towns, villages, habitations, or dwellings which are not defended is prohibited." (Convention Concerning Laws and Customs of Land Warfare of 1899, art. 25.)

In applying a remedy to the situation above outlined, the conference went somewhat beyond the strict necessities of the case. The prohibition in respect to bombardment is embodied in article 1 of the convention, the last clause of which contains the wholesome requirement that the mere fact that submarine mines are planted in front of a particular port or place shall not operate to take it out of the class of undefended towns.

In article 2, which is in the nature of an excepting clause, a naval force is authorized to be employed against "military works, military or naval establishments, depots of arms or material of war, shops and establishments suitable to be utilized for the needs of the enemy's army or navy, and vessels of war then in port." This requirement may be properly regarded as declaratory of the existing rule, which authorizes the destruction of works or establishments in which material of war is manufactured. The mere presence of an armed vessel in the port operates to take the place out of the class of undefended towns.

Article 3 authorizes the employment of naval force to enforce compliance with a proper naval requisition—as for coal or provisions. If the right to impose requisitions be conceded—and none is better established in international law—it would inevitably follow that force may be used to collect them. To that extent, therefore, article 3 is declaratory. The requirement in respect to the amount and character of the requisition is not only new, but proper.

In article 4 it is expressly forbidden to bombard undefended towns for the nonpayment of contributions as distinguished from requisitions. This is a wise and salutary provision.

Chapter II is intended to regulate the naval bombardment of fortified places and defended towns and imposes upon the attacking force the same restrictions in respect to historical monuments, churches, artistic and scientific collections, hospitals and similar edifices, which are already recognized in land warfare. (Art. XXVII, Hague Con-

vention, 1899.) It is also made the duty of the local authorities or inhabitants to designate the buildings which are entitled to immunity by a conventional sign, consisting of two large rectangles on which two triangles are superposed, the upper one being colored black and the lower white.

Article 6 charges the commander of the attacking forces with the duty, so far as the military necessities permit, of doing everything in his power to warn the local authorities of the intended bombardment. (Art. XXVI, Hague Convention, 1899.) In article 7 pillage is expressly forbidden. (Art. XXVIII, *Ibid.*)

From the humanitarian standpoint the convention is desirable, and it is difficult to see how naval operations can suffer by the observance of the conventional restrictions. The American delegation, therefore, approved and signed the convention.

X.—CONVENTION FOR THE ADAPTATION OF THE PRINCIPLES OF THE GENEVA CONVENTION TO MARITIME WAR.

It is the purpose of this convention to replace the corresponding requirements of the maritime convention of July 29, 1899, in respect to the care and treatment of the sick and wounded in maritime warfare. The convention of 1899 was based upon the humane but inadequate, and to some extent obsolete, provisions of the Geneva convention of 1864. That convention has now been replaced by the new agreement, to which thirty States of the civilized world were signatory parties, entered into at Geneva, Switzerland, on July 6, 1906.

The Geneva convention of 1906 embodies the advances which have been made in the treatment of the sick and wounded in the forty-two years which had elapsed since the adoption of the original agreement in 1864. The new undertaking, which is restricted in its operation to warfare on land, represents the experience gained in recent military operations in the sanitation, transportation, and treatment of the sick and wounded. It is also in close touch with the great volunteer relief associations, of which the Red Cross Society of the United States is an example, whose function it is not alone to ameliorate the condition of the sick and wounded in time of war, but to act promptly in time of peace with a view to relieve hardship and suffering due to flood, fire, or famine, wherever and under whatsoever circumstances they may occur.

To that end, the convention, like the Geneva convention of 1906, provides a method of cooperation between the official and charitable agencies which is calculated to secure harmonious and efficient action in the theater of hostile military activities.

It was the purpose of the conference to introduce such amendments and ameliorations into the maritime convention of 1899 as were thought necessary to bring it into conformity with the humane requirements of the Geneva convention of 1906. In point of completeness and efficiency the new convention leaves nothing to be desired.

XI.—CONVENTION WITH REGARD TO CERTAIN RESTRICTIONS UPON THE RIGHT OF CAPTURE IN MARITIME WAR.

This convention marks an important step in advance, in that it confers an immunity from capture upon all postal correspondence, pub-

lic or private, carried as mail on a neutral or enemy vessel. The parcels post is excepted or, to speak more correctly, is not expressly included in the conventional immunity. The carrying vessel is not exempt from seizure in a proper case, but in the event of capture the belligerent becomes charged with the duty of forwarding the mails to their destination "with the least possible delay."

Violation of blockade is excluded from the beneficial operation of the convention in article 1, and the liability to search and capture are provided for, subject to reasonable restrictions, in article 2.

The exemption of fishing boats from capture in time of war has been accorded in a number of cases, notably in the leading case of *The Paquete Habana* ([1899] 175 U. S., 677), arising out of the Spanish war, but there have been exceptions, and the rule is by no means one of universal application. The operation of the treaty is to give to the better practice the sanction of conventional obligation and to include small nonseagoing vessels, exclusively engaged in the coast trade, within its beneficial operation. Article 2 confers a similar immunity upon the vessels engaged in scientific, religious, or philanthropic missions.

The concluding chapter regulates the treatment to be accorded to neutral and enemy subjects found on board a captured enemy merchant vessel. The language of the naval delegate states the aim and purpose of the stipulations in the following concise and apt terms:

A distinction is made between neutral and enemy subjects. The neutral citizens or subjects in the crew are released unconditionally without any engagement. The officers who are neutral citizens or subjects are released upon giving a written engagement not to serve on board an enemy ship during the war.

The enemy subjects or citizens are required to give a written engagement not to take part in any service having relation to the operations of the war during the continuance of hostilities.

The reserve contained in Article IV is intended to apply to the case of vessels engaged in unneutral service, such as the conveyance of fuel or supplies directly to the fleet and, in general, to merchant vessels cooperating with naval forces. The crews of such vessels under the present rules of international law are subject to retention as prisoners of war and no new hardship is imposed.

As the convention in all its parts is conceived in a highly humane spirit, the American delegation both approved and signed it.

XII.—CONVENTION REGARDING THE ESTABLISHMENT OF AN INTERNATIONAL PRIZE COURT.

The details of this convention, as would be expected in an act organizing an international prize court, are complicated. The fundamental principle, however, is simple, namely, that the court of the captor should not pass ultimately upon the propriety or impropriety of a seizure made by the national authorities of which the judge is a subject or citizen; in other words, that one should not be judge in his own cause. It is stated by judges of the highest repute, the great Lord Stowell among the number, that a prize court is an international court, although sitting within the captor's territory and established in pursuance of the rules and regulations issued by the captor; that the law administered in such a court is international law; and that the judgment of the court, in the absence of fraud,

is universally binding. This may be the theory, although it seems much like a fiction, for the fact is that prize courts or courts exercising prize jurisdiction are constituted by the municipal authorities; that the judges are appointed, as other municipal judges, by the sovereign power of the State; that the law administered in the court whether it be largely international in its nature or not, is the municipal or the prize law of the appointing country, and that the judgment delivered has the essential qualities of a national judgment. Even if the court were strictly international, the judge is, nevertheless, a citizen or subject of the captor, and national prejudices, bias, or an indisposition to thwart the settled policy of his country must insensibly influence the judge in the formation of his opinion. The presumption is in favor of the validity of the capture; upon the neutral is imposed the hard and difficult task to overcome this presumption, and the frequency with which judgments of courts of prize, even of the highest and most respectable courts, have been protested through diplomatic channels and the questions submitted anew to the examination of mixed commissions and decided adversely to the captor, would seem to establish beyond reasonable doubt that, international in theory, they are national in fact and lack the impartiality of an international tribunal. Nor are instances lacking of the submission of questions to a mixed commission which have been passed upon by the Supreme Court of the United States sitting as a court of appeal in prize cases and in which the United States has by virtue of an adverse decision of a mixed commission reimbursed the claimants. Reference is made by way of example to the well-known case of *The Circassian* ([1864] 2 Wall., 135, 160), in which the British and American Mixed Commission made awards in favor of all the claimants. (4 Moore's International Arbitrations, pp. 3911-3923.)

The purpose, then, of the convention is to substitute international for national judgment and to subject the decision of a national court to an international tribunal composed of judges trained in maritime law. It was not the intention of the framers of the convention to exclude a judge of the captor's country whose presence on the bench would insure a careful consideration of the captor's point of view, but to make the decision of the case depend upon strangers to the controversy who, without special interest and national bias, would apply in the solution of the case international law and equity. The national judgment becomes international; the judgment of the captor yields to the judgment of the neutral, and it can not be doubted that neutral powers are more likely to guard the rights of neutrals than any bench composed exclusively of national judges.

It is not to be presumed, however, that the judgment of the captor will be biased or, if the judgment of the court of first instant be incorrect, that its judgment will not be reversed on appeal to the higher court. It can not be supposed that a judgment of a district court of the United States, if improper, would be affirmed by the Supreme Court of the United States; and it may safely be assumed that few litigants would care to carry a case from the Supreme Court of the United States to an international court, wherever and however established. Delay and expense would militate against it, the known impartiality and the reputation of the Supreme Court would counsel

against it, and it would only be an extreme case and one of great importance that would induce private suitor or National Government to seek a reexamination of the case before an international court.

The American delegation was unwilling to allow an appeal directly from the district court to the international court, as in the original German project, holding that the captor's court of appeal should be given the opportunity to correct or revise a judgment and that if a case be submitted to the international court that court would derive inestimable benefit from a careful consideration of the judgment of the Supreme Court. The project was amended so as to permit one national appeal, out of consideration to the objections of the United States and Great Britain, and when so amended was acceptable to both.

The provisions of article 46 are of importance in this connection. This article provides, briefly, that each party pays its own expenses; the defeated party the expenses of the procedure and in addition pays into the court 1 per cent of the value of the object in litigation to the general expenses of the court. Finally, if the suitor be not a sovereign State, but a private individual, a bond may be exacted by the court to guarantee the expenses above mentioned as a condition of taking jurisdiction. It needs no further argument to show that a case is not likely to be presented to the international court unless the amount or principle involved justifies the submission.

Admitting, however, the possibility of appeal, it is important, in the interest of international justice as well as in the interest of the individual suitor, that there be an end of litigation and that the principle of law applicable to the concrete case be established in a judicial proceeding. It is therefore provided that the appeal from the court of first instance to the national court of appeal shall have been perfected and the case decided within two years from the date of capture, which period was acceptable to Great Britain, a joint proposer with Germany, notwithstanding the fact that the appeal might be from a British vice-admiralty court situated in a remote quarter of the globe. An examination of all the appeals taken from the judgments of district courts in cases arising out of the late Spanish-American war shows that this period of time was adequate for the ultimate disposition of those cases before the Supreme Court of the United States. The period, therefore, was satisfactory to the American delegation. But it might happen that the case was not settled either in the court of first instance or in the international court of appeal within the conventional period of two years. In such a case it is provided that the case may be transferred from the national court and submitted to the international court of prize at The Hague. Should these provisions commend themselves generally, cases will be decided promptly by national courts, and the ultimate decision of the international court, if one there is to be, will be handed down before the suitor is broken in fortune and years.

The proposed court is to consist of fifteen judges, of whom nine shall constitute the quorum necessary for the transaction of business. (Art. 14.) They are to be chosen from among jurists of recognized competency in questions of international maritime law and should possess the highest moral consideration. They are to be nominated for a period of six years, and their appointment may be renewed. Of the fifteen judges, eight countries possess the right to nominate each

a judge to serve for the full period of six years. In the alphabetical order of the French names these countries are Germany, the United States of America, Austria-Hungary, France, Great Britain, Italy, Japan, and Russia. The remaining seven judges are appointed for a like period of six years, but exercise their functions as judge within a shorter period, the length of active service depending largely upon the commercial and maritime importance of the various nations, their supposed interest in the questions likely to come before the court, and the frequency with which they may appear as suitors. The exact manner in which and the periods during which all the other judges shall be called to exercise their functions appear from the table annexed to the convention and made a part thereof. (Art. 15.) Any classification is bound to be more or less arbitrary, and its acceptance demands no little sacrifice on the part of the State which possesses less than the full representation. It was felt that the continuous presence in the court of judges representing the eight States mentioned would form a nucleus of trained judges and that the weight and authority of these judges based upon training and experience would counterbalance the disadvantage of the changes introduced in the court by the successive participation of representatives of different countries.

As the proposed court is to be international and is to be established primarily to settle peaceably and by judicial methods controversies arising between State and State involving the validity of capture, the sovereign States whose interests are involved in the controversy may appear before the prize court just as such sovereign States in other than prize matters may and do actually appear before an arbitration tribunal. It may thus be that sovereign States will ordinarily be parties plaintiff and defendant.

It may, however, happen that a State does not wish to espouse the cause of its citizen, although convinced that an injustice has been committed. In such a case it would seem to be eminently proper that the injured individual should himself appear before the court and litigate the question. The fourth article of the convention invests an individual claimant with such right; but, less the exercise of the right may prove embarrassing to the State, the same article makes this right depend upon the permission of the State whereof the claimant is a subject or citizen, and acknowledges the right of such State either to prevent his appearance or to appear on behalf of such subject or citizen. It is thus seen that whether the State is party litigant or not, it reserves fully the right to control the litigation.

The jurisdiction of the proposed court is dealt with in article 7, the translation of which is as follows:

If the question of law to be decided is provided for by a convention in force between the belligerent captor and the power which is itself a party to the controversy or whose citizen or subject is a party thereto, the international court shall conform to the stipulation of the said convention.

In the absence of such stipulations, the international court shall apply the rules of international law. If generally recognized rules do not exist, the court shall decide in accordance with general principles of justice and equity.

The foregoing provisions shall apply with regard to the order of admission of evidence as well as to the means which may be employed in adducing it.

If, in accordance with article 3, No. 2 c, the appeal is based on the violation of a legal provision enacted by the belligerent captor, the court shall apply this provision.

The court may leave out of account statutes of limitation barring procedure according to the laws of the belligerent captor, in case it considers that the consequences thereof would be contrary to justice and equity.

It can not be denied that the question of the jurisdiction of the court is not only of general interest, but of fundamental importance to the contracting parties. The first clause of the article calls attention to conventional stipulations which, if establishing rules of law, shall be binding upon the court in controversies between parties to the convention. It was hoped that the provisions of prize law likely to give rise to controversies would be codified by the conference and that, therefore, there would be a conventional law prescribed by the conference for the proposed court. A general agreement was not, however, reached.

The jurisdiction of the court, as set forth in article 7, was proposed by Great Britain, and accepted by the conference as interpreted by the learned and distinguished reporter, Mr. Louis Renault, from whose elaborate report the following weighty passages are quoted as the best contemporary interpretation of the article:

What rules of law will the new prize court apply?

This is a question of the greatest importance, the delicacy and gravity of which can not be overlooked. It has often claimed the attention of those who have thought of the establishment of an international jurisdiction on the subject we are considering.

If the laws of maritime warfare were codified, it would be easy to say that the international prize court, the same as the national courts, should apply international law. It would be a regular function of the international court to revise the decisions of the national courts which had wrongly applied or interpreted the international law. The international courts and the national courts would decide in accordance with the same rules, which it would be supposed ought merely to be interpreted more authoritatively and impartially by the former courts than by the latter. But this is far from being the case. On many points, and some of them very important ones, the laws on maritime warfare are still uncertain, and each nation formulates them according to its ideas and interests. In spite of the efforts made at the present conference to diminish these uncertainties, one can not help realizing that many will continue to exist. A serious difficulty at once arises here.

It goes without saying that where there are rules established by treaty, whether they are general or are at least common to the nations concerned in the capture (the captor nation and the nation to which the vessel or cargo seized belongs), the international court will have to conform to these rules. Even in the absence of a formal treaty, there may be a recognized customary rule which passes as a tacit expression of the will of the nations. But what will happen if the positive law, written or customary, is silent? There appears to be no doubt that the solution dictated by the strict principles of legal reasoning should prevail. Wherever the positive law has not expressed itself, each belligerent has a right to make his own regulations, and it can not be said that they are contrary to a law which does not exist. In this case, how could the decision of a national prize court be revised when it has merely applied in a regular manner the law of its country, which law is not contrary to any principle of international law? The conclusion would therefore be that in default of an international rule firmly established, the international court shall apply the law of the captor.

Of course it will be easy to offer the objection that in this manner there would be a very changeable law, often very arbitrary and even conflicting, certain belligerents abusing the latitude left them by the positive law. This would be a reason for hastening the codification of the latter in order to remove the deficiencies and the uncertainties which are complained of and which bring about the difficult situation which has just been pointed out.

However, after mature reflection, we believe that we ought to propose to you a solution, bold to be sure, but calculated considerably to improve the practice of international law. "If generally recognized rules do not exist, the court shall decide according to the general principles of justice and equity."

It is thus called upon to create the law and to take into account other principles than those to which the national prize court was required to conform, whose decision is assailed by the international court. We are confident that the judges chosen by the powers will be equal to the task which is thus imposed upon them, and that they will perform it with moderation and firmness. They will interpret the rules of practice in accordance with justice without overthrowing them. A fear of their just decisions may mean the exercise of more wisdom by the belligerents and the national judges, may lead them to make a more serious and conscientious investigation, and prevent the adoption of regulations and the rendering of decisions which are too arbitrary. The judges of the international court will not be obliged to render two decisions contrary to each other by applying successively to two neutral vessels seized under the same conditions different regulations established by the two belligerents. To sum up, the situation created for the new prize court will greatly resemble the condition which has long existed in the courts of countries where the laws, chiefly customary, were still rudimentary. These courts made the law at the same time that they applied it, and their decisions constituted precedents, which become an important source of the law. The most essential thing is to have judges who inspire perfect confidence. If, in order to have a complete set of international laws, we were to wait until we had judges to apply it, the event would be a prospective one which even the youngest of us could hardly expect to see. A scientific society, such as the Institute of International Law, was able, by devoting twelve years to the work, to prepare a set of international regulations on maritime prizes in which the organization and the procedure of the international court have only a very limited scope. The community of civilized nations is more difficult to set on foot than an association of juriconsults; it must be subject to other considerations or even other prejudices, the reconciliation of which is not so easy as that of legal opinions. Let us therefore agree that a court composed of eminent judges shall be intrusted with the task of supplying the deficiencies of positive law until the codification of international law regularly undertaken by the governments shall simplify their task.

The ideas which have just been set forth will be applicable with regard to the order of admission of evidence as well as to the means which may be employed in gathering it. In most countries arbitrary rules exist regarding the order of admission of evidence. To use a technical expression, upon whom does the burden of proof rest? To be rational one would have to say that it is the captor's place to prove the legality of the seizure that is made. This is especially true in case of a violation of neutrality charged against a neutral vessel. Such a violation should not be presumed. And still the captured party is frequently required to prove the nullity of the capture, and consequently its illegality, so that in case of doubt it is the captured party (the plaintiff) who loses the suit. This is not equitable and will not be imposed upon the international court.

What has just been said regarding the order of evidence also applies to the means of gathering it, regarding which more or less arbitrary rules exist. How can the nationality, ownership, and the domicile be proven? Is it only by means of the ship's papers, or also by means of documents, produced elsewhere? We believe in allowing the court full power to decide.

Finally, in the same spirit of broad equity, the court is authorized not to take into account limitations of procedure prescribed by the laws of the belligerent captor, when it deems that the consequences thereof would be unreasonable. For instance, there may be provisions in the law which are too strict with regard to the period for making appeal or which enable a relinquishment of the claim to be too easily presumed, etc.

There is a case in which the international court necessarily applies simply the law of the captor, namely, the case in which the appeal is founded on the fact that the national court has violated a legal provision enacted by the belligerent captor. This is one of the cases in which a subject of the enemy is allowed to appeal. (Art. 3, No. 2 c, at end.)

Article 7, which has thus been commented upon, is an obvious proof of the sentiment of justice which animates the authors of the draft, as well as of the confidence which they repose in the successful operation of the institution to be created.

The expediency of the establishment of the prize court must naturally be determined by those intrusted with such matters. The ques-

tion of the constitutionality of the proposed international court of prize as a treaty court would seem to be precluded by the decision of the Supreme Court of the United States in *Re Ross* (140 U. S., 453). Indeed, it would seem that that may well be done generally which may be done singly or individually and that the submission of prize cases to an international court of appeal definitively constituted and in session is a wiser, safer, and more commendable practice than to submit questions of prize law to a mixed commission which may, as happened in the past, decide contrary to the Supreme Court of the United States.

In view, therefore, of the advantages of a permanent court to which an appeal may be taken, and in view of the guaranteed impartiality of an international decision, composed as the court would be in large majority by neutrals, and in view also of the determined policy of the United States to remain a neutral in all international conflicts, it would seem that we need scarcely fear the reversal of the decisions of our courts because such decisions presuppose a war to which we are a party. The existence of the court offers our citizens an international forum in which to safeguard their interests as neutral buyers and carriers in all parts of the world. The American delegation, therefore, not only approved and signed the convention, but proposed it jointly with Germany, Great Britain, and France.

XIII.—CONVENTION CONCERNING THE RIGHTS AND DUTIES OF NEUTRAL POWERS IN CASE OF MARITIME WAR.

This convention deals with the important subject of maritime neutrality and formulates the progress which has been made in that subject in the past half century. It is stated in the preamble that the convention is incomplete; in view of the extent of the field to be covered and the sharply conflicting interests that are involved, a complete treatment of the subject was hardly to be expected. The convention therefore properly contains the suggestion that, in giving effect to its requirements, the rules of international law shall be regarded as supplementing the provisions of the convention. Neutrals are advised that any rules which they may apply, or any measures to which they may resort with a view to the enforcement of their neutral rights or the fulfillment of their neutral obligations, shall be uniformly applied to all belligerents, and shall not be changed during the progress of a particular war.

Out of an abundance of caution the enacting clause contains a provision that the requirements of the convention shall not be regarded as encroaching upon the requirements of existing treaties. In other words, an undertaking like the Black Sea treaty, containing provisions in regard to the passage of war ships through the Dardanelles, is not modified or abrogated by the requirements of the foregoing convention.

The proposition advanced by England represented the strict views of neutral rights and duties which are held by States maintaining powerful naval establishments, supplemented by a widely distributed system of coaling stations and ports of call, in which their merchant vessels could find convenient refuge at the outbreak of war and which enable them to carry on operations at sea quite independently of a

resort to neutral ports for the procurement of coal or other supplies or for purposes of repair. As the policy of the United States Government has generally been one of strict neutrality, the delegation found itself in sympathy with this policy in many, if not most, of its essential details. France for many years past has taken a somewhat different view of its neutral obligations, and has practiced a liberal, rather than a strict, neutrality. The views of France in that regard have received some support from the Russian delegation and were favored to some extent by Germany and Austria.

It was constantly borne in mind by the delegation, in all deliberations in committee, that the United States is, and always has been, a permanently neutral power, and has always endeavored to secure the greatest enlargement of neutral privileges and immunities. Not only are its interests permanently neutral, but it is so fortunately situated, in respect to its military and naval establishments, as to be able to enforce respect for such neutral rights and obligations as flow from its essential rights of sovereignty and independence.

With a view, therefore, to secure to neutral States the greatest possible exemption from the burdens and hardships of war, the delegation of the United States gave constant support to the view that stipulations having for that purpose the definition of the rights and duties of neutrals should, as a rule, take the form of restrictions and prohibitions upon the belligerents, and should not, save in case of necessity, charge neutrals with the performance of specific duties. This rule was only departed from by the delegation in cases where weak neutral powers demanded, and need, the support of treaty stipulations in furtherance of their neutral duties. It was also borne in mind that a State resorting to certain acts with a view to prevent violations of its neutrality derives power to act from the fact of its sovereignty, rather than from the stipulations of an international convention.

The first two articles and the first paragraph of article 3 of the convention represent in substance the existing rule of international law on the subjects of which they treat. The second paragraph of article 3 shifts the obligation from the neutral to the captor, who is bound upon request of the neutral to return the prize captured improperly in neutral waters. The neutral, however, is not obligated to make the demand, and it may thus happen that a powerful captor violates neutral waters without protest from the neutral. It may well be that the spirit of the article imposes the duty upon the neutral; the latter does not. The article seems, therefore, to be objectionable.

Article 5 embodies the second of the rules adopted in the treaty of Washington for the guidance of the Geneva tribunal, to which is added a prohibition respecting the establishment of wireless-telegraph stations on neutral territory. Article 6 is new and forbids a neutral State, as such, to transfer vessels or munitions of war to a belligerent. Article 7 embodies the existing rule of international law which charges a State with no duty of forbidding the exportation from or transit of war material through its territory in time of war. Article 8 embodies the first of the rules of the treaty of Washington for the guidance of the Geneva tribunal.

Article 9 is a correct statement of the existing rule of impartiality in the dealings of neutral States with belligerents. The right to for-

bid access to its ports to a vessel which has failed or neglected to conform to the orders of the neutral State, or has violated its neutrality, is generally conceded.

Article 10 is new in conventional form, and authorizes the passage of an armed vessel or prize through territorial waters. In the absence of restrictive language this would seem to include straits which connect bodies of water which are open to public navigation. It also recognizes the fact that such mere passage through any territorial waters, provided no acts of hostility are committed, does not compromise the neutrality of the State to which they belong. The requirement of the enacting clause, that the provisions of existing treaties are not abrogated or modified by the convention, applies to this article. It may be noted, in passing, that the rule established in article 10 is substantially the same, in so far as free passage is concerned, as the rules prescribed by treaty in connection with the passage of the Suez and Panama canals by public armed vessels in time of war.

The stipulations in respect to the use of licensed pilots (art. 11), the twenty-four hours rule (articles 12 and 13), and the length of sojourn to repair damages stand in need of no comment.

Article 15 is new and is intended to prevent a neutral port from being made either a base of hostile operations or a place of assembly for the fleets of a belligerent. To that end a neutral may restrict, at discretion, the number of belligerent ships, including auxiliary vessels, that may enjoy its hospitality at any one time. In default of such rule, the number of ships of war or auxiliary vessels that may be in a particular neutral port at the same time is fixed at three.

Article 19 is an extremely important one. It provides that:

ART. 19. Belligerent vessels of war can not revictual in neutral ports and roads except to complete their normal supplies in time of peace.

Neither can these vessels take on board fuel except to reach the nearest port of their own country. They may, however, take on the fuel necessary to fill their bunkers, properly so called, when they are in the waters of neutral countries which have adopted this method of determining the amount of fuel to be furnished.

If, according to the rules of the neutral power, vessels can only receive coal twenty-four hours after their arrival, the lawful duration of their sojourn shall be prolonged twenty-four hours.

ART. 20. Belligerent vessels of war which have taken on board coal in the port of a neutral power, can not renew their supply within three months in a port of the same power.

The great powers of the world are susceptible of being grouped into two classes in the matter of neutral policy. England, having great naval power, supplemented by an extensive system of coaling stations and commercial ports, has always favored and practiced a policy of strict neutrality. France, less powerful at sea, having few naval stations and with few distant colonial possessions, has been more liberal in the enforcement of its neutral obligations, and has allowed considerable aid to be extended to belligerent vessels in its ports. As England has treated both belligerents with impartial strictness, France has treated them with impartial liberality. With this view Russia and, to some extent, Germany and Austria are in sympathy. As has been seen, the policy of the United States has been in the main similar to that of Great Britain.

In the matter of coal the English delegation proposed that the amount of coal which a belligerent vessel might obtain in a neutral

port should be restricted to quarter bunkers. The substantial operation of this rule would be that any public armed vessel that entered a neutral port short of coal would have to be interned until the close of the war, as it would be impossible, in a majority of cases, to reach a home port with so meagre an allowance of coal as quarter-bunker capacity. This proposition was rejected, as were a number of suggestions based upon bunker capacity, condition of bottoms, etc., which were so complicated as to be practically impossible in their application.

The result was to reach the compromise which is stated in article 19, as to which it may be said that the liberal States have yielded rather more than those whose policy is one of strict neutrality. The article represents, it would seem, the most satisfactory conclusion possible for the conference to reach.

Articles 21 to 25 relate to the admission of prizes to neutral ports. Articles 21 and 22 seem to be unobjectional. Article 23 authorizes the neutral to permit prizes to enter its ports and to remain there pending action on their cases by the proper prize courts. This is 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.

Article 24 covers the case of the internment of a public armed vessel in a neutral port, and vests sufficient authority in the neutral to insure respect for its sovereign rights and obligations.

Article 25 is a restatement of the third of the rules of the treaty of Washington, and as such is worthy of adoption.

Article 26 was inserted in the interest of the weaker naval powers, and contains a stipulation that an exercise of its rights by a neutral State, involving possibly a resort to force, shall not be regarded as an unfriendly act by either belligerent.

Article 27 contemplates a mutual exchange of laws, ordinances, regulations, and other authoritative utterances of the respective Governments in respect to the conduct of belligerent vessels of war in their ports and waters. These are to be transmitted to the Dutch Government and by that Government to the other contracting parties.

This convention was made the subject of reservation at the plenary session of the conference and was not signed by the American delegation. This was done in order to enable the department to determine whether, all things considered, it was proper or expedient to subject the performance of its neutral rights and duties to some measures of conventional regulation.

By way of recapitulation: The second paragraph of article 3 and article 23 should not be approved. As to article 19, covering the question of coal supply, it can only be said that it represents a compromise of very divergent interests, and that practice under it in the future will be substantially the same as in the past.

The naval delegate of the United States expressed the following opinion:

The lack of conventional agreements regulating the exercise of neutrality has more than once threatened to involve the whole world in war and perhaps the rules adopted by this conference, if they are unanimously approved by the maritime powers, might be accepted as possibly promoting peace, since practically they certify the right of neutrals to do as they please within very wide limits without fear of reclamation, but there is no question that they are not in accord either with the practice of the United States or with its strategic situation.

A careful examination of the convention as a whole and in all its parts leads to the conclusion that its ratification is in the interest of neutral powers, but that in such ratification it is suggested that the second paragraph of article 3 and article 23 be rejected.

XIV.—DECLARATION FORBIDDING THE LAUNCHING OF PROJECTILES FROM BALLOONS.

This declaration consists of but a single article, the essential portion of which follows:

The contracting parties agree to prohibit, for a period extending to the close of the Third Peace Conference, the discharge of projectiles and explosives from balloons or by other new methods of a similar nature.

The declaration was a reenactment of the analogous provision of the First Conference, which, however, being for a period of five years, had elapsed. In order to prevent the lapse of the present declaration, it was provided that it should remain in effect until the end of the Third Conference.

DECLARATION CONCERNING OBLIGATORY ARBITRATION.

The conference was unable to agree upon a general treaty of arbitration, although a large majority expressed itself in favor of a general treaty of arbitration, reserving therefrom questions concerning the independence, vital interests, and honor, and setting forth a list of concrete subjects in which the contracting powers were willing to renounce the honor clause. The principle of obligatory arbitration was unanimously admitted in the abstract, but when it was proposed to incorporate this principle in a concrete case or series of cases insurmountable difficulties arose. Some powers seemed willing to conclude arbitration treaties with certain other carefully selected powers, but were unwilling to bind themselves with the remaining nations of the world. Other nations were willing to renounce the honor clause in some subjects but not in others. It seemed to the friends of arbitration feasible to do generally in a single instrument what they had agreed to do in separate treaties with various countries. The majority felt that it was desirable to conclude at The Hague a general arbitration treaty binding those who were willing to be bound, without seeking, directly or indirectly, to coerce the minority, which was unwilling to bind itself. The minority, however, refused to permit the majority to conclude such a treaty, invoking the principle of unanimity or substantial unanimity for all conventions concluded at The Hague. In the interest of conciliation the majority yielded, although it did not share the point of view

of the minority. The minority on its part recognized unequivocally and unreservedly the principle of obligatory arbitration, and the following declaration was unanimously accepted and proclaimed by the conference:

The conference, conforming to the spirit of good understanding and reciprocal concessions which is the very spirit of its deliberations, has drawn up the following declaration, which, while reserving to each one of the powers represented the benefit of its votes, permits them all to affirm the principles which they consider to have been unanimously accepted.

It is unanimous:

1. In accepting the principle for obligatory arbitration.
2. In declaring that certain differences, and notably those relating to the interpretation and application of international conventional stipulations, are susceptible of being submitted to obligatory arbitration without any restrictions.

The friends of arbitration were bitterly disappointed and the American delegation abstained from voting on the declaration; first, because it seemed to be an inadmissible retreat from the advanced position secured by an affirmative vote of four to one in favor of the arbitration convention, and, second, lest an affirmative vote be construed to indicate both an approval of the arguments or methods of the minority as well as of the withdrawal of the proposed treaty. It may be admitted that the establishment of the principle of obligatory arbitration is an advance. It is not, however, the great advance so earnestly desired; for a concrete treaty embodying the principle of obligatory arbitration would have been infinitely more valuable than the declaration of obligatory arbitration, however solemnly made.

RESOLUTION CONCERNING THE LIMITATION OF MILITARY CHARGES.

It is familiar knowledge that the First Peace Conference was called primarily to "secure a possible reduction of the excessive armaments which weigh upon all nations," and in the programme contained in the second Russian circular (January 11, 1899) one of the purposes was stated to be "to reach an understanding not to increase for a fixed period the present effective of the armed military and naval forces, and at the same time not to increase the budgets pertaining thereto, and a preliminary examination of the means by which a reduction might even be effected in the future in the forces and budgets above mentioned." The First Conference failed to agree upon a limitation or a restriction, but adopted unanimously the following resolution:

The conference is of opinion that the restriction of military charges, which are at present a heavy burden on the world, is extremely desirable for the increase of the material and moral welfare of mankind.

The Second Conference was equally unprepared to limit armaments, to place a restriction upon military or naval forces, or to bind the nations not to increase the budgets pertaining thereto. It will be remembered that the United States reserved the right to bring the question to discussion, although as such it did not figure on the programme. Pursuant to this reservation and instructions from the Secretary of State the American delegation insisted that the subject be discussed and in and out of conference lent it support. By general agreement a resolution was introduced, supported in an address

by the first British delegate and in a letter written by the first American delegate on behalf of the delegation. The following resolution was thereupon unanimously adopted:

The Second Peace Conference confirms the resolution adopted by the conference of 1899 in regard to the limitation of military burdens; and in view of the fact that military burdens have considerably increased in nearly all countries since the said year, the conference declares that it is highly desirable to see Governments take up again the serious study of that subject.

THE RECOMMENDATIONS OF THE CONFERENCE.

In addition to the conventions, declarations, and resolution, the conference emitted five desires or *voeux*, the first of which is in the nature of a resolution. Of each of these in turn—

The conference recommends to the signatory powers the adoption of the project hereunto annexed, of a convention for the establishment of a court of arbitral justice and its putting in effect as soon as an accord shall be reached upon the choice of the judges and the constitution of the court.

An analysis of this paragraph shows that the establishment of the court is not the expression of a mere wish or desire on the part of the conference, but that it is a recommendation to the powers to undertake the establishment of the court. In the next place, the project of convention annexed to the recommendation is not to be submitted as a plan or as a model, but for adoption as the organic act of the court. Again, the convention annexed and made a part of the recommendation goes forth not only with the approval of the conference, but as a solemn act adopted by it. And, finally, accepting the convention as the organic act, the conference recommends that the court be definitely and permanently established by the powers as soon as they shall have agreed upon a method of appointing the judges, who, when appointed, thus constitute the court. It will be noted that the number of powers necessary to establish the court is not stated, nor is the number of judges determined. It follows, therefore, that the powers wishing to establish the court are free to adopt the project of convention, agree upon the method of choosing the judges, and establish the court at The Hague for the trial of cases submitted by the contracting powers.

The establishment of the court of arbitral justice would not interfere with the court of arbitration instituted by the conference of 1899, and continued by the conference of 1907, for this latter is a temporary tribunal, erected for a particular purpose, to decide as arbiters a controversy submitted. The court of arbitral justice, on the contrary, is meant to be a permanent court, composed of judges acting under a sense of judicial responsibility, representing the various legal systems of the world, and capable of assuring the continuity of arbitral jurisprudence. (Art. 1.) The contracting powers are free to appoint either a large or a small number of judges; but it is provided in article 3 that the judges so appointed shall hold office for a period of twelve years and that they shall be chosen from among persons enjoying the highest moral consideration who meet the requirements for admission in their respective countries to the high magistracy, or who shall be jurists of recognized competency in matters of international law. (Art. 2.)

From these provisions it is evident that the proposed institution is to be not merely in name but in fact a court of justice; that it is to be permanent in the sense that it does not need to be constituted for any and every case submitted to it. It is obvious that such a court, acting under a sense of judicial responsibility, would decide, as a court, according to international law and equity, a question submitted to it, and that the idea of compromise hitherto so inseparable from arbitration, would be a stranger to this institution. The court is said to be permanent in the sense that it holds, as courts do, certain specified terms for the trial of cases. For example, article 14 says:

The court assembles in session once a year. The session begins on the third Wednesday of June and lasts until the calendar shall have been exhausted.

The court does not assemble in session if the meeting is deemed unnecessary by the delegation. If, however, a power is a party to a case actually pending before the court, the preliminary proceedings of which are completed or near completion, that power has the right to demand that the session take place.

The delegation may, in case of necessity, call an extraordinary session of the court.

It was deemed inexpedient to have an empty court at The Hague, and it was felt that without a judicial committee capable of transacting the ordinary business that might be submitted, permanency in the true sense of the word would be lacking, therefore it is provided by article 6 of the project that—

The court designates, every year, three judges who constitute a special delegation and three others who are to take their places in case of disability. They may be reelected. The vote is cast by blanket ballot. Those who obtain the larger number of votes are considered to be elected. The delegation elects its own president, who, failing a majority, is drawn by lot.

A member of the delegation is barred from the exercise of his functions when the power by which he was appointed, and under whose jurisdiction he is, is one of the parties to the case.

The members of the delegation bring to a conclusion the cases that may have been referred to therein, even though their term of office should have expired.

Taking the two articles together, it is apparent that the court as such is intended to be permanently in session at The Hague; that the judicial committee will attend to the smaller cases submitted, and that the full court will meet in ordinary or extraordinary session once a year or whenever the business before it would justify its assembling. The judges are intended to be permanent court officials and as such to receive stated salaries whether they are actively engaged at The Hague in the trial of cases or not. The compensation is small (6,000 florins), but the honor is great. If, however, a judge sits as a trial judge at The Hague, his expenses to and from The Hague are paid according to the rate allowed in the home country for the traveling expenses of a judge in service, and in addition the judge is to receive the further sum of 100 florins a day during his official service in the examination or trial of cases.

The first article speaks of a court free and easy of access. It is easy of access because it is permanent and has stated terms. It is free because no fees are paid for entrance, and it is likewise free in this sense: That the salaries of the judges are not paid by the litigating parties, but proportionately by the contracting powers. The jurisdiction of the court is very wide; for example, "the court of arbitral justice is competent to decide all cases which are submitted

to it by virtue of a general stipulation of arbitration or by a special agreement" (art. 17); that is to say, if there be a general treaty of arbitration designating the court of arbitral justice, the court is competent, if the cause of action be presented, to assume jurisdiction and to decide the case. It may be that parties to a controversy may submit the finding of a commission of inquiry to the court in order to have the legal responsibility established in an appropriate case, or it may be that parties to an arbitration may wish to have the case examined when on appeal or *de novo* by the court of arbitral justice. In such a case, by virtue of the special agreement of the parties litigant, the court is invested with jurisdiction.

It was not thought advisable to clothe the judicial committee with the jurisdiction of the full court, lest there be two competing institutions. The judicial committee is, however, expected to be a serviceable body, and its jurisdiction is commensurate with its dignity. For example, article 18 provides:

The delegation (art. 6) is competent—

1. To hear arbitration cases coming under the foregoing article, if the parties agree upon demanding the application of summary procedure as determined in Title IV, Chapter IV, of the convention of July 29, 1899.
2. To institute an inquiry by virtue of and in conformity to Title III of the convention of July 29, 1899, in so far as the delegation may have been charged with this duty by the litigants acting in common accord. With the assent of the parties and in derogation of article 7, section 1, members of the delegation who took part in the inquiry may sit as judges if the dispute comes for arbitration before either the court or the delegation itself.

The judicial committee, therefore, is competent to sit as the court of summary proceeding in cases where parties litigant agree to make use of the summary proceeding of the revised convention. It is likewise competent to sit as a commission of inquiry; and as the commission of inquiry finds facts, there seems to be no reason why the members of the judicial committee may not sit as judges if the litigation is submitted to the full court or to the delegation.

Article 19 invests the judicial committee with the power to frame the special agreement—that is to say, the *compromis* provided for in article 52 of the convention for the peaceful adjustment of international differences, already mentioned—unless there be an agreement or stipulation to the contrary.

The procedure of the court has not been neglected, but finds an appropriate place in the project of convention.

The establishment of the permanent court was proposed by the American delegation, was accepted in principle and loyally supported by the delegations of Germany and Great Britain, and the project actually framed and recommended by the conference is the joint work of the American, German, and British delegations. It should be said, however, that the project could not have been adopted without the loyal and unstinted support of France.

From this brief exposition it is evident that the foundations of a permanent court have been broadly and firmly laid; that the organization, jurisdiction, and procedure have been drafted and recommended in the form of a code which the powers or any number of them may accept and, by agreeing upon the appointment of judges, call into being a court at once permanent and international. A little time, a little patience, and the great work is accomplished.

The nature and purpose of the second and third *vœux* of the conference can not well be expressed in more precise and apt terms than those used by the military delegate in his report of the proceedings of the second commission. The following paragraphs, therefore, are taken from such report:

It has been seen that both the committee and the conference finally rejected a proposition which had been prepared with a view to minimize the effects of war upon neutral commerce and in conformity with the tendencies of modern industry and trade, which demand for their development and maintenance the widest markets and which are in the highest degree sensitive to the disturbing effects of war.

The German proposition, by protecting stocks of goods in the hands of neutral agents in belligerent territory from seizure or requisition, was calculated to give to neutral undertakings the broadest immunity from belligerent interference by restricting the burdens and operations of war to the belligerent states and their subjects. But the proposition so conceived and submitted was dismissed with the following expression of desire, which may be accepted as showing the importance which is attached to the development of modern industry and commerce by a majority of the governments of the civilized world:

The conference expresses the hope—

I. That in case of war the competent authorities, civil and military, should make it their special duty to assure and protect the commercial and industrial relations between the belligerent powers and neutral states.

II. That the high (signatory) powers should seek to establish in agreements with each other uniform contractual undertakings determining, in respect to military burdens, the relations of each state in respect to the strangers established in its territory.

The fourth *vœu* of the conference is as follows:

4. The conference utters the wish that the elaboration of regulations relative to laws and customs of maritime warfare may figure in the programme of the next conference, and that in any case the powers apply, as far as possible, to maritime warfare the principles of the convention relative to the laws and customs of war on land.

Its adoption was due to the inability of the conference to codify the law of maritime warfare as the conference of 1899 had codified the laws and customs of war on land. The reasons for this failure need not be set forth, because the "desire" of the conference is that the regulation of the laws and customs of maritime warfare be included in the programme of the Third Conference. The concluding portion of the desire is in the nature of a recommendation, namely, that the powers apply as far as possible to naval warfare the principles of the laws and customs of warfare on land. It is likewise unnecessary to discuss this phrase, as it is not binding upon any power so to do, and the measure of the application naturally depends upon the judgment of each of the powers.

The final desire of the conference is in the nature of a recommendation and is as follows:

Lastly, the conference recommends to the powers the holding of a Third Peace Conference which might take place within a period similar to that which has elapsed since the preceding conference on a date to be set by joint agreement among the powers, and it draws their attention to the necessity of preparing the labors of that Third Conference sufficiently in advance to have its deliberations follow their course with the requisite authority and speed.

In order to achieve that object, the conference thinks it would be very desirable that a preparatory committee be charged by the Governments about two years before the probable date of the meeting with the duty of collecting the various propositions to be brought before the conference, to seek out the matters susceptible of an early international settlement, and to prepare a programme which the Governments should determine upon early enough to permit of its

being thoroughly examined in each country. The committee should further be charged with the duty of proposing a mode of organization and procedure for the conference itself.

The desire of the friends of progress is to have The Hague Conference a permanent institution, which meets at certain regular periods, automatically if possible, and beyond the control of any one power. The American delegation was instructed to secure, if possible, this result, and through the efforts of the American delegation this result was reached in large measure. It is difficult, if not impossible, for one legislative body to bind its successor. It is doubly difficult for a quasi legislative or diplomatic assembly to bind a succeeding assembly. It was therefore thought advisable not to attempt to fix the date absolutely, but to recommend that a Third Conference meet within or at about the period which has elapsed between the calling of the First and the assembling of the Second Conference, leaving the exact date to be fixed by the powers.

Experience has shown that much time is lost not merely in organizing a conference, but in preparing and presenting the various projects. It is desirable that the projects be prepared in advance so that they may be presented, printed, and distributed at the opening of the session. This the conference recommended. But to prepare the various propositions to be submitted to the conference it is necessary to determine in advance, at least tentatively, the programme. The conference therefore recommended that some two years before the probable date of the conference a preparatory committee be charged by the various Governments to collect propositions, to ascertain the matters susceptible of international regulation, and to prepare the programme sufficiently in advance of the meeting that it may be seriously and maturely considered by each Government intending to take part.

The wisdom of these provisions is so apparent that any justification of them seems unnecessary. The last clause, however, can not be passed in silence, as its importance is fundamental; for, in simple terms, it means that the conference is not to be organized or the method of procedure determined by any single power. In other words, the conference, it would seem, is to be given over to itself. The committee of the powers is charged with the duty of proposing a mode of organization and procedure for the conference, and it can not be doubted that the committee, consisting of leading and representative powers, will propose a mode of organization and procedure which will permit the conference to organize itself and conduct its proceedings without requiring the guidance and direction of any particular power. Its officers may be elected by the conference, rather than appointed, and if so elected or selected by the conference it is safe to assume that they will be not only in harmony with its purposes, but in full sympathy with the spirit of the conference. In any case the recommendation is of the greatest importance, because it shows a unanimous desire on the part of the powers present for the calling of a Third Conference, and it indicates in no uncertain terms that the conference in becoming in the largest sense international is not to be under the control or predominance of any one nation.

Such is, in brief, the work of the Second International Peace Conference. It is believed that the various measures adopted by it and recommended to the favorable consideration of the powers will meet

with general approval. It is hoped that the reasons set forth, briefly, in the present report may justify the delegates in signing the various measures and that their action as a whole may meet with the approval of the Secretary of State.

We have the honor to be, sir, your obedient servants,

JOSEPH H. CHOATE, *Chairman.*
CHANDLER HALE, *Secretary.*

SETTLEMENT OF INTERNATIONAL DISPUTES.

A CONVENTION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Animated by the sincere desire to work for the maintenance of general peace;

Resolved to promote by all the efforts in their power the friendly settlement of international disputes;

Recognizing the solidarity uniting the members of the society of civilized nations;

Desirous of extending the empire of law and of strengthening the appreciation of international justice;

Convinced that the permanent institution of a Tribunal of Arbitration accessible to all, in the midst of independent Powers, will contribute effectively to this result;

Having regard to the advantages attending the general and regular organization of the procedure of arbitration;

Sharing the opinion of the august initiator of the International Peace Conference that it is expedient to record in an International Agreement the principles of equity and right on which are based the security of States and the welfare of peoples;

Being desirous, with this object, of insuring the better working in practice of Commissions of Inquiry and Tribunals of Arbitration, and of facilitating recourse to arbitration in cases which allow of a summary procedure;

Have deemed it necessary to revise in certain particulars and to complete the work of the First Peace Conference for the pacific settlement of international disputes;

The High Contracting Parties have resolved to conclude a new Convention for this purpose, and have appointed the following as their Plenipotentiaries:

[For names of Plenipotentiaries, see Final Act, Supra.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:—

PART I.—*The Maintenance of General Peace.*

ARTICLE I.

With a view to obviating as far as possible recourse to force in the relations between States, the Contracting Powers agree to use their best efforts to ensure the pacific settlement of international differences.

PART II.—*Good Offices and Mediation.*

ARTICLE II.

In case of serious disagreement or dispute, before an appeal to arms, the Contracting Powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers.

ARTICLE III.

Independently of this recourse, the Contracting Powers deem it expedient and desirable that one or more Powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the States at variance.

Powers strangers to the dispute have the right to offer good offices or mediation even during the course of hostilities.

The exercise of this right can never be regarded by either of the parties in dispute as an unfriendly act.

ARTICLE IV.

The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

ARTICLE V.

The functions of the mediator are at an end when once it is declared, either by one of the parties to the dispute or by the mediator himself, that the means of reconciliation proposed by him are not accepted.

ARTICLE VI.

Good offices and mediation undertaken either at the request of the parties in dispute or on the initiative of Powers strangers to the dispute have exclusively the character of advice, and never have binding force.

ARTICLE VII.

The acceptance of mediation cannot, unless there be an agreement to the contrary, have the effect of interrupting, delaying, or hindering mobilization or other measures of preparation for war.

If it takes place after the commencement of hostilities, the military operations in progress are not interrupted in the absence of an agreement to the contrary.

ARTICLE VIII.

The Contracting Powers are agreed in recommending the application, when circumstances allow, of special mediation in the following form:—

In case of a serious difference endangering peace, the States at variance choose respectively a Power, to which they intrust the mission of entering into direct communication with the Power chosen on the other side, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days, the States in dispute cease from all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers, which must use their best efforts to settle it.

In case of a definite rupture of pacific relations, these Powers are charged with the joint task of taking advantage of any opportunity to restore peace.

PART III.—*International Commissions of Inquiry.*

ARTICLE IX.

In disputes of an international nature involving neither honour nor vital interests, and arising from a difference of opinion on points of fact, the Contracting Powers deem it expedient and desirable that

the parties who have not been able to come to an agreement by means of diplomacy, should, as far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of these disputes by elucidating the facts by means of an impartial and conscientious investigation.

ARTICLE X.

International Commissions of Inquiry are constituted by special agreement between the parties in dispute.

The Inquiry Convention defines the facts to be examined; it determines the mode and time in which the Commission is to be formed and the extent of the powers of the Commissioners.

It also determines, if there is need, where the Commission is to sit, and whether it may remove to another place, the language the Commission shall use and the languages the use of which shall be authorized before it, as well as the date on which each party must deposit its statement of facts, and, generally speaking, all the conditions upon which the parties have agreed.

If the parties consider it necessary to appoint Assessors, the Convention of Inquiry shall determine the mode of their selection and the extent of their powers.

ARTICLE XI.

If the Inquiry Convention has not determined where the Commission is to sit, it will sit at The Hague.

The place of meeting, once fixed, cannot be altered by the Commission except with the assent of the parties.

If the Inquiry Convention has not determined what languages are to be employed, the question shall be decided by the Commission.

ARTICLE XII.

Unless an undertaking is made to the contrary, Commissions of Inquiry shall be formed in the manner determined by Articles XLV and LVII of the present Convention.

ARTICLE XIII.

Should one of the Commissioners or one of the Assessors, should there be any, either die, or resign, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE XIV.

The parties are entitled to appoint special agents to attend the Commission of Inquiry, whose duty it is to represent them and to act as intermediaries between them and the Commission.

They are further authorized to engage counsel or advocates, appointed by themselves, to state their case and uphold their interests before the Commission.

ARTICLE XV.

The International Bureau of the Permanent Court of Arbitration acts as registry for the Commissions which sit at The Hague, and shall place its offices and staff at the disposal of the Contracting Powers for the use of the Commission of Inquiry.

ARTICLE XVI.

If the Commission meets elsewhere than at The Hague, it appoints a Secretary-General, whose office serves as registry.

It is the function of the registry, under the control of the President, to make the necessary arrangements for the sittings of the Commission, the preparation of the Minutes, and, while the inquiry lasts, for the charge of the archives, which shall subsequently be transferred to the International Bureau at The Hague.

ARTICLE XVII.

In order to facilitate the constitution and working of Commissions of Inquiry, the Contracting Powers recommend the following rules, which shall be applicable to the inquiry procedure in so far as the parties do not adopt other rules.

ARTICLE XVIII.

The Commission shall settle the details of the procedure not covered by the special Inquiry Convention or the present Convention, and shall arrange all the formalities required for dealing with the evidence.

ARTICLE XIX.

On the inquiry both sides must be heard.

At the dates fixed, each party communicates to the Commission and to the other party the statements of facts, if any, and, in all cases, the instruments, papers, and documents which it considers useful for ascertaining the truth, as well as the list of witnesses and experts whose evidence it wishes to be heard.

ARTICLE XX.

The Commission is entitled, with the assent of the Powers, to move temporarily to any place where it considers it may be useful to have recourse to this means of inquiry or to send one or more of its members. Permission must be obtained from the State on whose territory it is proposed to hold the inquiry.

ARTICLE XXI.

Every investigation, and every examination of a locality, must be made in the presence of the agents and counsel of the parties or after they have been duly summoned.

ARTICLE XXII.

The Commission is entitled to ask from either party for such explanations and information as it considers necessary.

ARTICLE XXIII.

The parties undertake to supply the Commission of Inquiry, as fully as they may think possible, with all means and facilities necessary to enable it to become completely acquainted with, and to accurately understand, the facts in question.

They undertake to make use of the means at their disposal, under their municipal law, to insure the appearance of the witnesses or experts who are in their territory and have been summoned before the Commission.

If the witnesses or experts are unable to appear before the Commission, the parties will arrange for their evidence to be taken before the qualified officials of their own country.

ARTICLE XXIV.

For all notices to be served by the Commission in the territory of a third Contracting Power, the Commission shall apply direct to the Government of the said Power. The same rule applies in the case of steps being taken on the spot to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the Power applied to under its municipal law allow. They cannot be rejected unless the Power in question considers they are calculated to impair its sovereign rights or its safety.

The Commission will equally be always entitled to act through the Power on whose territory it sits.

ARTICLE XXV.

The witnesses and experts are summoned on the request of the parties or by the Commission of its own motion, and, in every case, through the Government of the State in whose territory they are.

The witnesses are heard in succession and separately, in the presence of the agents and counsel, and in the order fixed by the Commission.

ARTICLE XXVI.

The examination of witnesses is conducted by the President.

The members of the Commission may however put to each witness questions which they consider likely to throw light on and complete his evidence, or get information on any point concerning the witness within the limits of what is necessary in order to get at the truth.

The agents and counsel of the parties may not interrupt the witness when he is making his statement, nor put any direct question to him, but they may ask the President to put such additional questions to the witness as they think expedient.

ARTICLE XXVII.

The witness must give his evidence without being allowed to read any written draft. He may, however, be permitted by the President to consult notes or documents if the nature of the facts referred to necessitates their employment.

ARTICLE XXVIII.

A Minute of the evidence of the witness is drawn up forthwith and read to the witness. The latter may make such alterations and additions as he thinks necessary, which will be recorded at the end of his statement.

When the whole of his statement has been read to the witness, he is asked to sign it.

ARTICLE XXIX.

The agents are authorized, in the course of or at the close of the inquiry, to present in writing to the Commission and to the other party such statements, requisitions, or summaries of the facts as they consider useful for ascertaining the truth.

ARTICLE XXX.

The Commission considers its decisions in private and the proceedings are secret.

All questions are decided by a majority of the members of the Commission.

If a member declines to vote, the fact must be recorded in the Minutes.

ARTICLE XXXI.

The sittings of the Commission are not public, nor the Minutes and documents connected with the inquiry published except in virtue of a decision of the Commission taken with the consent of the parties.

ARTICLE XXXII.

After the parties have presented all the explanations and evidence, and the witnesses have all been heard, the President declares the inquiry terminated, and the Commission adjourns to deliberate and to draw up its Report.

ARTICLE XXXIII.

The Report is signed by all the members of the Commission.

If one of the members refuses to sign, the fact is mentioned; but the validity of the Report is not affected.

ARTICLE XXXIV.

The Report of the Commission is read at a public sitting, the agents and counsel of the parties being present or duly summoned.

A copy of the Report is given to each party.

ARTICLE XXXV.

The Report of the Commission is limited to a statement of facts, and has in no way the character of an Award. It leaves to the parties entire freedom as to the effect to be given to the statement.

ARTICLE XXXVI.

Each party pays its own expenses and an equal share of the expenses incurred by the Commission.

PART IV.—*International Arbitration.*CHAPTER I.—*The System of Arbitration.*

ARTICLE XXXVII.

International arbitration has for its object the settlement of disputes between States by Judges of their own choice and on the basis of respect for law.

Recourse to arbitration implies an engagement to submit in good faith to the Award.

ARTICLE XXXVIII.

In questions of a legal nature, and especially in the interpretation or application of International Conventions, arbitration is recognized by the Contracting Powers as the most effective, and, at the same time, the most equitable means of settling disputes which diplomacy has failed to settle.

Consequently, it would be desirable that, in disputes about the above-mentioned questions, the Contracting Powers should, if the case arose, have recourse to arbitration, in so far as circumstances permit.

ARTICLE XXXIX.

The Arbitration Convention is concluded for questions already existing or for questions which may arise eventually.

It may embrace any dispute or only disputes of a certain category.

ARTICLE XL.

Independently of general or private Treaties expressly stipulating recourse to arbitration as obligatory on the Contracting Powers, the said Powers reserve to themselves the right of concluding new Agreements, general or particular, with a view to extending compulsory arbitration to all cases which they may consider it possible to submit to it.

CHAPTER II.—*The Permanent Court of Arbitration.*

ARTICLE XLI.

With the object of facilitating an immediate recourse to arbitration for international differences, which it has not been possible to settle by diplomacy, the Contracting Powers undertake to maintain the

Permanent Court of Arbitration, as established by the First Peace Conference, accessible at all times, and operating, unless otherwise stipulated by the parties, in accordance with the rules of procedure inserted in the present Convention.

ARTICLE XLII.

The Permanent Court is competent for all arbitration cases, unless the parties agree to institute a special Tribunal.

ARTICLE XLIII.

The Permanent Court sits at The Hague.

An International Bureau serves as registry for the Court. It is the channel for communications relative to the meetings of the Court; it has charge of the archives and conducts all the administrative business.

The Contracting Powers undertake to communicate to the Bureau, as soon as possible, a certified copy of any conditions of arbitration arrived at between them and of any Award concerning them delivered by a special Tribunal.

They likewise undertake to communicate to the Bureau the laws, regulations, and documents eventually showing the execution of the Awards given by the Court.

ARTICLE XLIV.

Each Contracting Power selects four persons at the most, of known competency in questions of international law, of the highest moral reputation, and disposed to accept the duties of Arbitrator.

The persons thus selected are inscribed, as members of the Court, in a list which shall be notified to all the Contracting Powers by the Bureau.

Any alteration in the list of Arbitrators is brought by the Bureau to the knowledge of the Contracting Powers.

Two or more Powers may agree on the selection in common of one or more members.

The same person can be selected by different Powers. The members of the Court are appointed for a term of six years. These appointments are renewable.

Should a member of the Court die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. In this case the appointment is made for a fresh period of six years.

ARTICLE XLV.

When the Contracting Powers wish to have recourse to the Permanent Court for the settlement of a difference which has arisen between them, the Arbitrators called upon to form the Tribunal with jurisdiction to decide this difference must be chosen from the general list of members of the Court.

Failing the direct agreement of the parties on the composition of the Arbitration Tribunal, the following course shall be pursued:—

Each party appoints two Arbitrators, of whom one only can be its national or chosen from among the persons selected by it as members of the Permanent Court. These Arbitrators together choose an Umpire.

If the votes are equally divided, the choice of the Umpire is intrusted to a third Power, selected by the parties by common accord.

If an agreement is not arrived at on this subject each party selects a different Power, and the choice of the Umpire is made in concert by the Powers thus selected.

If, within two months' time, these two Powers cannot come to an agreement, each of them presents two candidates taken from the list of members of the Permanent Court, exclusive of the members selected by the parties and not being nationals of either of them. Drawing lots determines which of the candidates thus presented shall be Umpire.

ARTICLE XLVI.

The Tribunal being thus composed, the parties notify to the Bureau their determination to have recourse to the Court, the text of their "Compromis,"* and the names of the Arbitrators.

The Bureau communicates without delay to each Arbitrator the "Compromis," and the names of the other members of the Tribunal.

The Tribunal assembles at the date fixed by the parties. The Bureau makes the necessary arrangements for the meeting.

The members of the Tribunal, in the exercise of their duties and out of their own country, enjoy diplomatic privileges and immunities.

ARTICLE XLVII.

The Bureau is authorized to place its offices and staff at the disposal of the Contracting Powers for the use of any special Board of Arbitration.

The jurisdiction of the Permanent Court may, within the conditions laid down in the regulations, be extended to disputes between non-Contracting Powers or between Contracting Powers and non-Contracting Powers, if the parties are agreed on recourse to this Tribunal.

ARTICLE XLVIII.

The Contracting Powers consider it their duty, if a serious dispute threatens to break out between two or more of them, to remind these latter that the Permanent Court is open to them.

Consequently, they declare that the fact of reminding the parties at variance of the provisions of the present Convention, and the advice given to them, in the highest interests of peace, to have recourse to the Permanent Court, can only be regarded as friendly actions.

In case of dispute between two Powers, one of them can always address to the International Bureau a note containing a declaration that it would be ready to submit the dispute to arbitration.

The Bureau must at once inform the other Power of the declaration.

* The preliminary Agreement in an international arbitration defining the point at issue and arranging the procedure to be followed.

ARTICLE XLIX.

The Permanent Administrative Council, composed of the Diplomatic Representatives of the Contracting Powers accredited to The Hague and of the Netherland Minister for Foreign Affairs, who will act as President, is charged with the direction and control of the International Bureau.

The Council settles its rules of procedure and all other necessary regulations.

It decides all questions of administration which may arise with regard to the operations of the Court.

It has entire control over the appointment, suspension, or dismissal of the officials and employés of the Bureau.

It fixes the payments and salaries, and controls the general expenditure.

At meetings duly summoned the presence of nine members is sufficient to render valid the discussions of the Council. The decisions are taken by a majority of votes.

The Council communicates to the Contracting Powers without delay the regulations adopted by it. It furnishes them with an annual Report on the labours of the Court, the working of the administration, and the expenditure. The Report likewise contains a résumé of what is important in the documents communicated to the Bureau by the Powers in virtue of Article XLIII, paragraphs 3 and 4.

ARTICLE L.

The expenses of the Bureau shall be borne by the Contracting Powers in the proportion fixed for the International Bureau of the Universal Postal Union.

The expenses to be charged to the adhering Powers shall be reckoned from the date on which their adhesion comes into force.

CHAPTER III.—*Arbitration Procedure.*

ARTICLE LI.

With a view to encouraging the development of arbitration, the Contracting Powers have agreed on the following rules, which are applicable to arbitration procedure, unless other rules have been agreed on by the parties.

ARTICLE LII.

The Powers which have recourse to arbitration sign a "Compromis," in which the subject of the dispute is clearly defined, the time allowed for appointing Arbitrators, the form, order, and time in which the communication referred to in Article LXIII must be made, and the amount of the sum which each party must deposit in advance to defray the expenses.

The "Compromis" likewise defines, if there is occasion, the manner of appointing Arbitrators, any special powers which may eventually belong to the Tribunal, where it shall meet, the language it shall use, and the languages the employment of which shall be authorized before it, and, generally speaking, all the conditions on which the parties are agreed.

ARTICLE LIII.

The Permanent Court is competent to settle the "Compromis," if the parties are agreed to have recourse to it for the purpose.

It is similarly competent, even if the request is only made by one of the parties, when all attempts to reach an understanding through the diplomatic channel have failed, in the case of:—

1. A dispute covered by a general Treaty of Arbitration concluded or renewed after the present Convention has come into force, and providing for a "Compromis" in all disputes and not either explicitly or implicitly excluding the settlement of the "Compromis" from the competence of the Court. Recourse cannot, however, be had to the Court if the other party declares that in its opinion the dispute does not belong to the category of disputes which can be submitted to compulsory arbitration, unless the Treaty of Arbitration confers upon the Arbitration Tribunal the power of deciding this preliminary question.

2. A dispute arising from contract debts claimed from one Power by another Power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the "Compromis" should be settled in some other way.

ARTICLE LIV.

In the cases contemplated in the preceding Article, the "Compromis" shall be settled by a Commission consisting of five members selected in the manner arranged for in Article XLV, paragraphs 3 to 6.

The fifth member is President of the Commission *ex officio*.

ARTICLE LV.

The duties of Arbitrator may be conferred on one Arbitrator alone or on several Arbitrators selected by the parties as they please, or chosen by them from the members of the permanent Court of Arbitration established by the present Convention.

Failing the constitution of the Tribunal by direct agreement between the parties, the course referred to in Article XLV, paragraphs 3 to 6, is followed.

ARTICLE LVI.

When a Sovereign or the Chief of a State is chosen as Arbitrator, the arbitration procedure is settled by him.

ARTICLE LVII.

The Umpire is President of the Tribunal *ex officio*.

When the Tribunal does not include an Umpire, it appoints its own President.

ARTICLE LVIII.

When the "Compromis" is settled by a Commission, as contemplated in Article LIV, and in the absence of an agreement to the contrary, the Commission itself shall form the Arbitration Tribunal.

ARTICLE LIX.

Should one of the Arbitrators either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE LX.

The tribunal sits at The Hague, unless some other place is selected by the parties.

The Tribunal can only sit in the territory of a third Power with the latter's consent.

The place of meeting once fixed cannot be altered by the Tribunal, except with the consent of the parties.

ARTICLE LXI.

If the question as to what languages are to be used has not been settled by the "Compromis," it shall be decided by the Tribunal.

ARTICLE LXII.

The parties are entitled to appoint special agents to attend the Tribunal to act as intermediaries between themselves and the Tribunal.

They are further authorized to retain for the defence of their rights and interests before the Tribunal counsel or advocates appointed by themselves for this purpose.

The members of the Permanent Court may not act as agents, counsel, or advocates except on behalf of the Power which appointed them members of the Court.

ARTICLE LXIII.

As a general rule, arbitration procedure comprises two distinct phases: pleadings and oral discussions.

The pleadings consist in the communication by the respective agents to the members of the Tribunal and the opposite party of cases, counter-cases, and, if necessary, of replies; the parties annex thereto all papers and documents called for in the case. This communication shall be made either directly or through the intermediary of the International Bureau, in the order and within the time fixed by the "Compromis."

The time fixed by the "Compromis" may be extended by mutual agreement by the parties, or by the Tribunal when the latter considers it necessary for the purpose of reaching a just decision.

The discussions consist in the oral development before the Tribunal of the arguments of the parties.

ARTICLE LXIV.

A certified copy of every document produced by one party must be communicated to the other party.

ARTICLE LXV.

Unless special circumstances arise, the Tribunal does not meet until the pleadings are closed.

ARTICLE LXVI.

The discussions are under the control of the President.

They are only public if it be so decided by the Tribunal, with the assent of the parties.

They are recorded in minutes drawn up by the Secretaries appointed by the President. These minutes are signed by the President and by one of the Secretaries and alone have an authentic character.

ARTICLE LXVII.

After the close of the pleadings, the Tribunal is entitled to refuse discussion of all new papers or documents which one of the parties may wish to submit to it without the consent of the other party.

ARTICLE LXVIII.

The Tribunal is free to take into consideration new papers or documents to which its attention may be drawn by the agents or counsel of the parties.

In this case, the Tribunal has the right to require the production of these papers or documents, but is obliged to make them known to the opposite party.

ARTICLE LXIX.

The Tribunal can, besides, require from the agents of the parties the production of all papers, and can demand all necessary explanations. In case of refusal the Tribunal takes note of it.

ARTICLE LXX.

The agents and the counsel of the parties are authorized to present orally to the Tribunal all the arguments they may consider expedient in defence of their case.

ARTICLE LXXI.

They are entitled to raise objections and points. The decisions of the Tribunal on these points are final and cannot form the subject of any subsequent discussion.

ARTICLE LXXII.

The members of the Tribunal are entitled to put questions to the agents and counsel of the parties, and to ask them for explanations on doubtful points.

Neither the questions put, nor the remarks made by members of the Tribunal in the course of the discussions, can be regarded as an expression of opinion by the Tribunal in general or by its members in particular.

ARTICLE LXXIII.

The Tribunal is authorized to declare its competence in interpreting the "Compromis," as well as the other Treaties which may be invoked, and in applying the principles of law.

ARTICLE LXXIV.

The Tribunal is entitled to issue rules of procedure for the conduct of the case, to decide the forms, order, and time in which each party must conclude its arguments, and to arrange all the formalities required for dealing with the evidence.

ARTICLE LXXV.

The parties undertake to supply the Tribunal, as fully as they consider possible, with all the information required for deciding the case.

ARTICLE LXXVI.

For all notices which the Tribunal has to serve in the territory of a third Contracting Power, the Tribunal shall apply direct to the Government of that Power. The same rule applies in the case of steps being taken to procure evidence on the spot.

The requests for this purpose are to be executed as far as the means at the disposal of the Power applied to under its municipal law allow. They cannot be rejected unless the Power in question considers them calculated to impair its own sovereign rights or its safety.

The Court will equally be always entitled to act through the Power on whose territory it sits.

ARTICLE LXXVII.

When the agents and counsel of the parties have submitted all the explanations and evidence in support of their case the President shall declare the discussion closed.

ARTICLE LXXVIII.

The Tribunal considers its decisions in private and the proceedings remain secret.

All questions are decided by a majority of the members of the Tribunal.

ARTICLE LXXIX.

The Award must give the reasons on which it is based. It contains the names of the Arbitrators; it is signed by the President and Registrar or by the Secretary acting as Registrar.

ARTICLE LXXX.

The Award is read out in public sitting, the agents and counsel of the parties being present or duly summoned to attend.

ARTICLE LXXXI.

The Award, duly pronounced and notified to the agents of the parties, settles the dispute definitively and without appeal.

ARTICLE LXXXII.

Any dispute arising between the parties as to the interpretation and execution of the Award shall, in the absence of an Agreement to the contrary, be submitted to the Tribunal which pronounced it.

ARTICLE LXXXIII.

The parties can reserve in the "Compromis" the right to demand the revision of the Award.

In this case and unless there be an Agreement to the contrary, the demand must be addressed to the Tribunal which pronounced the Award. It can only be made on the ground of the discovery of some new fact calculated to exercise a decisive influence upon the Award and which was unknown to the Tribunal and to the party which demanded the revision at the time the discussion was closed.

Proceedings for revision can only be instituted by a decision of the Tribunal expressly recording the existence of the new fact, recognizing in it the character described in the preceding paragraph, and declaring the demand admissible on this ground.

The "Compromis" fixes the period within which the demand for revision must be made.

ARTICLE LXXXIV.

The Award is not binding except on the parties in dispute.

When it concerns the interpretation of a Convention to which Powers other than those in dispute are parties, they shall inform all the Signatory Powers in good time. Each of these Powers is entitled to intervene in the case. If one or more avail themselves of this right, the interpretation contained in the Award is equally binding on them.

ARTICLE LXXXV.

Each party pays its own expenses and an equal share of the expenses of the Tribunal.

CHAPTER IV.—*Arbitration by Summary Procedure.*

ARTICLE LXXXVI.

With a view to facilitating the working of the system of arbitration in disputes admitting of a summary procedure, the Contracting

Powers adopt the following rules, which shall be observed in the absence of other arrangements and subject to the reservation that the provisions of Chapter III apply so far as may be.

ARTICLE LXXXVII.

Each of the parties in dispute appoints an Arbitrator. The two Arbitrators thus selected choose an Umpire. If they do not agree on this point, each of them proposes two candidates taken from the general list of the members of the Permanent Court exclusive of the members appointed by either of the parties and not being nationals of either of them; which of the candidates thus proposed shall be the Umpire is determined by lot.

The Umpire presides over the Tribunal, which gives its decisions by a majority of votes.

ARTICLE LXXXVIII.

In the absence of any previous agreement the Tribunal, as soon as it is formed, settles the time within which the two parties must submit their respective cases to it.

ARTICLE LXXXIX.

Each party is represented before the Tribunal by an agent, who serves as intermediary between the Tribunal and the Government who appointed him.

ARTICLE XC.

The proceedings are conducted exclusively in writing. Each party, however, is entitled to ask that witnesses and experts should be called. The Tribunal has, for its part, the right to demand oral explanations from the agents of the two parties, as well as from the experts and witnesses whose appearance in Court it may consider useful.

PART V.—*Final Provisions.*

ARTICLE XCI.

The present Convention, duly ratified, shall replace, as between the Contracting Powers, the Convention for the Pacific Settlement of International Disputes of the 29th July, 1899.

ARTICLE XCII.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to those Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform the Powers of the date on which it received the notification.

ARTICLE XCIII.

Non-Signatory Powers which have been invited to the Second Peace Conference may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other Powers invited to the Second Peace Conference a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE XCIV.

The conditions on which the Powers which have not been invited to the Second Peace Conference may adhere to the present Convention shall form the subject of a subsequent Agreement between the Contracting Powers.

ARTICLE XCV.

The present Convention shall take effect, in the case of the Powers which were not a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE XCVI.

In the event of one of the Contracting Parties wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE XCVII.

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications effected in virtue of Article XCII, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article XCIII, paragraph 2) or of denunciation (Article XCVI, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Contracting Powers.

RECOVERY OF CONTRACT DEBTS.

A CONVENTION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, RESPECTING THE LIMITATION OF THE EMPLOYMENT OF FORCE FOR THE RECOVERY OF CONTRACT DEBTS.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas; Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Being desirous of avoiding between nations armed conflicts of a pecuniary origin arising from contract debts which are claimed from the Government of one country by the Government of another

country as due to its nationals, have resolved to conclude a Convention to this effect, and have appointed the following as their Plenipotentiaries:

[For names of Plenipotentiaries, see Final Act, supra.]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE I.

The Contracting Powers agree not to have recourse to armed force for the recovery of contract debts claimed from the Government of one country by the Government of another country as being due to its nationals.

This undertaking is, however, not applicable when the debtor State refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, prevents any "Compromis" from being agreed on, or, after the arbitration, fails to submit to the award.

ARTICLE II.

It is further agreed that the arbitration mentioned in paragraph 2 of the foregoing Article shall be subject to the procedure laid down in Part IV, Chapter III, of The Hague Convention for the Pacific Settlement of International Disputes. The award shall determine, except where otherwise agreed between the parties, the validity of the claim, the amount of the debt, and the time and mode of payment.

ARTICLE III.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be sent immediately by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE IV.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall forward immediately to all the other Powers invited to the Second Peace Conference a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE V.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE VI.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE VII.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article III, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article IV, paragraph 2) or of denunciation (Article VI, paragraph 1) were received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent to the Contracting Powers through the diplomatic channel.

OPENING OF HOSTILITIES.

A CONVENTION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, RELATIVE TO THE OPENING OF HOSTILITIES.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the

Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Government of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Considering that it is important, in order to ensure the maintenance of pacific relations, that hostilities should not commence without previous warning.

That it is equally important that the existence of a state of war should be notified without delay to neutral Powers;

Being desirous of concluding a Convention to this effect, have appointed the following as their Plenipotentiaries:

[For names of Plenipotentiaries, see Final Act, supra.]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE I.

The Contracting Powers recognize that hostilities between themselves must not commence without previous and explicit warning, in the form either of a reasoned declaration of war or of an ultimatum with conditional declaration of war.

ARTICLE II.

The existence of a state of war must be notified to the neutral Powers without delay, and shall not take effect in regard to them until after the receipt of a notification, which may, however, be given by telegraph. Neutral Powers, nevertheless, cannot rely on the absence of notification if it is clearly established that they were in fact aware of the existence of a state of war.

ARTICLE III.

Article I of the present Convention shall take effect in case of war between two or more of the Contracting Powers.

Article II is binding as between a belligerent Power which is a party to the Convention and neutral Powers which are also parties to the Convention.

ARTICLE IV.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE V.

Non-Signatory Powers may adhere to the present Convention.

The Power which wishes to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once forward to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

ARTICLE VI.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE VII.

In the event of one of the High Contracting Parties wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE VIII.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article IV, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article V, paragraph 2) or of denunciation (Article VII, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

LAWS AND CUSTOMS OF WAR ON LAND.

A CONVENTION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President

of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Seeing that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert;

Animated by the desire to serve, even in this extreme case, the interests of humanity and the ever progressive needs of civilization;

Thinking it important, with this object, to revise the general laws and customs of war, either with a view to defining them with greater precision or to confining them within such limits as would mitigate their severity as far as possible;

Have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference, which, following on the Brussels Conference of 1874, and inspired by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.

According to the views of the High Contracting Parties, these provisions, the wording of which has been inspired by the desire to diminish the evils of war, as far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert Regulations covering all the circumstances which arise in practice;

On the other hand, the High Contracting Parties clearly do not intend that unforeseen cases should, in the absence of a written undertaking, be left to the arbitrary judgment of military commanders.

Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

They declare that it is in this sense especially that Articles I and II of the Regulations adopted must be understood.

The High Contracting Parties, wishing to conclude a fresh Convention to this effect, have appointed the following as their Plenipotentiaries:—

[For names of Plenipotentiaries, see Final Act, *supra*.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following:—

ARTICLE I.

The Contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land, annexed to the present Convention.

ARTICLE II.

The provisions contained in the Regulations referred to in Article I, as well as in the present Convention, do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE III.

A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

ARTICLE IV.

The present Convention, duly ratified, shall as between the Contracting Powers, be substituted for the Convention of the 29th July, 1899, respecting the Laws and Customs of War on Land.

The Convention of 1899 remains in force as between the Powers which signed it, and which do not also ratify the present Convention.

ARTICLE V.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE VI.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE VII.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the

case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE VIII.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE IX.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article V, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article VI, paragraph 2) or of denunciation (Article VIII, paragraph 1) were received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

ANNEX TO THE CONVENTION.

Regulations respecting the Laws and Customs of War on Land.

SECTION I.—ON BELLIGERENTS.

CHAPTER I.—*The Qualifications of Belligerents.*

ARTICLE I.

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:—

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army."

ARTICLE II.

The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article I, shall be regarded as belligerents if they carry arms openly and if they respect the laws and customs of war.

ARTICLE III.

The armed forces of the belligerent parties may consist of combatants and noncombatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

CHAPTER II.—*Prisoners of War.*

ARTICLE IV.

Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

ARTICLE V.

Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they cannot be confined except as an indispensable measure of safety and only while the circumstances which necessitate the measure continue to exist.

ARTICLE VI.

The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

Work done for the State is paid at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

ARTICLE VII.

The Government into whose hands prisoners of war have fallen is charged with their maintenance.

In the absence of a special agreement between the belligerents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them.

ARTICLE VIII.

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State in whose power they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army or before leaving the territory occupied by the army which captured them are liable to disciplinary punishment.

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of the previous flight.

ARTICLE IX.

Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

ARTICLE X.

Prisoners of war may be set at liberty on parole if the laws of their country allow, and, in such cases, they are bound, on their personal honour, scrupulously to fulfil, both towards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases their own Government is bound neither to require of nor accept from them any service incompatible with the parole given.

ARTICLE XI.

A prisoner of war cannot be compelled to accept his liberty on parole; similarly the hostile Government is not obliged to accede to the request of the prisoner to be set at liberty on parole.

ARTICLE XII.

Prisoners of war liberated on parole and recaptured bearing arms against the Government to whom they had pledged their honour, or against the allies of that Government, forfeit their right to be treated as prisoners of war, and can be brought before the Courts.

ARTICLE XIII.

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

ARTICLE XIV.

An inquiry office for prisoners of war is instituted on the commencement of hostilities in each of the belligerent States, and, when necessary, in neutral countries which have received belligerents in

their territory. It is the function of this office to reply to all inquiries about the prisoners. It receives from the various services concerned full information respecting internments and transfers, releases on parole, exchanges, escapes, admissions into hospital, deaths, as well as other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war. The office must state in this return the regimental number, name and surname, age, place of origin, rank, unit, wounds, date and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the Government of the other belligerent after the conclusion of peace.

It is likewise the function of the inquiry office to receive and collect all objects of personal use, valuables, letters, &c., found on the field of battle or left by prisoners who have been released on parole, or exchanged, or who have escaped, or died in hospitals or ambulances, and to forward them to those concerned.

ARTICLE XV.

Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by the military authorities, and on giving an undertaking in writing to comply with all measures of order and police which the latter may issue.

ARTICLE XVI.

Inquiry offices enjoy the privilege of free postage. Letters, money orders, and valuables, as well as parcels by post, intended for prisoners of war, or dispatched by them, shall be exempt from all postal duties in the countries or origin and destination, as well as in the countries they pass through.

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as of payments for carriage by the State railways.

ARTICLE XVII.

Officers taken prisoners shall receive the same rate of pay as officers of corresponding rank in the country where they are detained, the amount to be ultimately refunded by their own Government.

ARTICLE XVIII.

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of whatever Church they may belong to, on the sole condition that they comply with the measures of order and police issued by the military authorities.

ARTICLE XIX.

The wills of prisoners of war are received or drawn up in the same way as for soldiers of the national army.

The same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

ARTICLE XX.

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

CHAPTER III.—*The Sick and Wounded.*

ARTICLE XXI.

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention.

SECTION II.—HOSTILITIES.

CHAPTER I.—*Means of Injuring the Enemy, Sieges, and Bombardments.*

ARTICLE XXII.

The right of belligerents to adopt means of injuring the enemy is not unlimited.

ARTICLE XXIII.

In addition to the prohibitions provided by special Conventions, it is especially forbidden—

- (a) To employ poison or poisoned weapons;
- (b) To kill or wound treacherously individuals belonging to the hostile nation or army;
- (c) To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;
- (d) To declare that no quarter will be given;
- (e) To employ arms, projectiles, or material calculated to cause unnecessary suffering;
- (f) To make improper use of a flag of truce, of the national flag, or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;
- (g) To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;
- (h) To declare abolished, suspended, or inadmissible in a Court of law the rights and actions of the nationals of the hostile party.

A belligerent is likewise forbidden to compel the nationals of the hostile party to take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

ARTICLE XXIV.

Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

ARTICLE XXV.

The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

ARTICLE XXVI.

The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

ARTICLE XXVII.

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

ARTICLE XXVIII.

The pillage of a town or place, even when taken by assault, is prohibited.

CHAPTER II.—*Spies.*

ARTICLE XXIX.

A person can only be considered a spy when, acting clandestinely or on false pretences, he obtains or endeavours to obtain information in the zone of operations of a belligerent, with the intention of communicating it to the hostile party.

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of obtaining information, are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians, carrying out their mission openly, intrusted with the delivery of despatches intended either for their own army or for the enemy's army. To this class belong likewise persons sent in balloons for the purpose of carrying despatches and, generally, of maintaining communications between the different parts of an army or a territory.

ARTICLE XXX.

A spy taken in the act shall not be punished without previous trial.

ARTICLE XXXI.

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

CHAPTER III.—*Flags of Truce.*

ARTICLE XXXII.

A person is regarded as bearing a flag of truce who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing a white flag. He has a right to inviolability, as well as the trumpeter, bugler or drummer, the flag-bearer and interpreter who may accompany him.

ARTICLE XXXIII.

The commander to whom a flag of truce is sent is not in all cases obliged to receive it.

He may take all the necessary steps to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

ARTICLE XXXIV.

The envoy loses his rights of inviolability if it is proved in a clear and incontestable manner that he has taken advantage of his privileged position to provoke or commit an act of treachery.

CHAPTER IV.—*Capitulations.*

ARTICLE XXXV.

Capitulations agreed upon between the contracting parties must take into account the rules of military honour.

Once settled, they must be scrupulously observed by both parties.

CHAPTER V.—*Armistices.*

ARTICLE XXXVI.

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

ARTICLE XXXVII.

An armistice may be general or local. The first suspends the military operations of the belligerent States everywhere; the second only between certain fractions of the belligerent armies and within a fixed radius.

ARTICLE XXXVIII.

An armistice must be notified officially and in good time to the competent authorities and to the troops. Hostilities are suspended immediately after the notification, or on the date fixed.

ARTICLE XXXIX.

It rests with the contracting parties to settle, in the terms of the armistice, what communications may be held in the theatre of war with the inhabitants and between the inhabitants of one belligerent State and those of the other.

ARTICLE XL.

Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

ARTICLE XLI.

A violation of the terms of the armistice by private persons acting on their own initiative only entitles the injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained.

SECTION III.—MILITARY AUTHORITY OVER THE TERRITORY OF THE HOSTILE STATE.

ARTICLE XLII.

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation extends only to the territory where such authority has been established and can be exercised.

ARTICLE XLIII.

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

ARTICLE XLIV

A belligerent is forbidden to force the inhabitants of territory occupied by it to furnish information about the army of the other belligerent, or about its means of defence.

ARTICLE XLV.

It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.

ARTICLE XLVI.

Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated.

ARTICLE XLVII.

Pillage is formally forbidden.

ARTICLE XLVIII.

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do so, as far as is possible, in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate Government was so bound.

ARTICLE XLIX.

If, in addition to the taxes mentioned in the above Article, the occupant levies other money contributions in the occupied territory, this shall only be for the needs of the army or of the administration of the territory in question.

ARTICLE L.

No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.

ARTICLE LI.

No contribution shall be collected except under a written order, and on the responsibility of a Commander-in-chief.

The collection of the said contribution shall only be effected as far as possible in accordance with the rules of assessment and incidence of the taxes in force.

For every contribution a receipt shall be given to the contributors.

ARTICLE LII.

Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given and the payment of the amount due shall be made as soon as possible.

ARTICLE LIII.

An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depôts of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depôts of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

ARTICLE LIV.

Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.

ARTICLE LV.

The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

ARTICLE LVI.

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of art and science, is forbidden, and should be made the subject of legal proceedings.

RIGHTS AND DUTIES OF NEUTRAL POWERS.

A CONVENTION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, RESPECTING THE RIGHTS AND DUTIES OF NEUTRAL POWERS AND PERSONS IN CASE OF WAR ON LAND.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His

Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

With a view to laying down more clearly the rights and duties of neutral Powers in case of war on land and regulating the position of the belligerents who have taken refuge in neutral territory:

Being likewise desirous of defining the meaning of the term "neutral," pending the possibility of settling, in its entirety, the position of neutral individuals in their relations with the belligerents;

Have resolved to conclude a Convention to this effect, and have, in consequence, appointed the following as their Plenipotentiaries:

[For names of plenipotentiaries, see Final Act, supra.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:—

CHAPTER I.—*The Rights and Duties of Neutral Powers.*

ARTICLE I.

The territory of neutral Powers is inviolable.

ARTICLE II.

Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power.

ARTICLE III.

Belligerents are likewise forbidden to:

(a) Erect on the territory of a neutral Power a wireless telegraphy station or other apparatus for the purpose of communicating with belligerent forces on land or sea;

(b) Use any installation of this kind established by them before the war on the territory of a neutral Power for purely military purposes, and which has not been opened for the service of public messages.

ARTICLE IV.

Corps of combatants cannot be formed nor recruiting agencies opened on the territory of a neutral Power to assist the belligerents.

ARTICLE V.

A neutral Power must not allow any of the acts referred to in Articles II to IV to occur on its territory.

It is not called upon to punish acts in violation of its neutrality unless the said acts have been committed on its own territory.

ARTICLE VI.

The responsibility of a neutral Power is not engaged by the fact of persons crossing the frontier separating to offer their service to one of the belligerents.

ARTICLE VII.

A neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, or arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.

ARTICLE VIII.

A neutral Power is not called upon to forbid or restrict the use on behalf of the belligerents of telegraph or telephone cables or of wireless telegraphy apparatus belonging to it or to Companies or private individuals.

ARTICLE IX.

Every measure of restriction or prohibition taken by a neutral Power in regard to the matters referred to in Articles VII and VIII must be impartially applied by it to both belligerents.

A neutral Power must see to the same obligation being observed by Companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

ARTICLE X.

The fact of a neutral Power resisting, even by force, attempts to violate its neutrality cannot be regarded as a hostile act.

CHAPTER II.—*Belligerents Interned and Wounded tended in Neutral Territory.*

ARTICLE XI.

A neutral Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

ARTICLE XII.

In the absence of a special Convention to the contrary, the neutral Power shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace the expenses caused by the internment shall be made good.

ARTICLE XIII.

A neutral Power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence.

The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral Power.

ARTICLE XIV.

A neutral Power may authorize the passage into its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel or war material. In such a case, the neutral Power is bound to take whatever measures of safety and control are necessary for the purpose.

The sick or wounded brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral Power so as to ensure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

ARTICLE XV.

The Geneva Convention applies to sick and wounded interned in neutral territory.

CHAPTER III.—*Neutral Persons.*

ARTICLE XVI.

The nationals of a State which is not taking part in the war are considered as neutrals.

ARTICLE XVII.

A neutral cannot avail himself of his neutrality:

- (a) If he commits hostile acts against a belligerent;
- (b) If he commits acts in favour of a belligerent, particularly if he voluntarily enlists in the ranks of the armed force of one of the parties.

In such a case, the neutral shall not be more severely treated by the belligerent as against whom he has abandoned his neutrality than a national of the other belligerent State could be for the same act.

ARTICLE XVIII.

The following acts shall not be considered as committed in favour of one belligerent in the sense of Article XVII, letter (b) :

(a) Supplies furnished or loans made to one of the belligerents, provided that the person who furnishes the supplies or who makes the loans lives neither in the territory of the other party nor in the territory occupied by him, and that the supplies do not come from these territories;

(b) Services rendered in matters of police or civil administration.

CHAPTER IV.—*Railway Material.*

ARTICLE XIX.

Railway material coming from the territory of neutral Powers, whether it be the property of the said Powers or of Companies or private persons, and recognizable as such, shall not be requisitioned or utilized by a belligerent except where and to the extent that it is absolutely necessary. It shall be sent back as soon as possible to the country of origin.

A neutral Power may likewise, in case of necessity, retain and utilize to an equal extent material coming from the territory of the belligerent Power.

Compensation shall be paid by one party or the other in proportion to the material used, and to the period of usage.

CHAPTER V.—*Final Provisions.*

ARTICLE XX.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE XXI.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification shall be immediately sent by the Netherland Government, through the diplomatic

channel, to the Powers invited to the Second Peace Conference as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE XXII.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other Powers a duly certified copy of the notification as well as, of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE XXIII.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE XXIV.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE XXV.

A register kept by the Netherland Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article XXI, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article XXII, paragraph 2) or of denunciation (Article XXIV, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at the Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

SUBMARINE CONTACT MINES.

A CONVENTION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, RELATIVE TO THE LAYING OF AUTOMATIC SUBMARINE CONTACT MINES.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom and Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Serbia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Inspired by the principle of the freedom of sea routes, the common highways of all nations;

Seeing that, although the existing position of affairs makes it impossible to forbid the employment of automatic submarine contact mines, it is nevertheless desirable to restrict and regulate their employment in order to mitigate the severity of war and to ensure, as far as possible, to peaceful navigation the security to which it is entitled, despite the existence of war;

Until such time as it is found possible to formulate rules on the subject which shall ensure to the interests involved all the guarantees desirable;

Have resolved to conclude a Convention for this purpose, and have appointed the following as their Plenipotentiaries:

[For names of Plenipotentiaries, see Final Act, supra.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE I.

It is forbidden :

1. To lay unanchored automatic contact mines, except when they are so constructed as to become harmless one hour at most after the person who laid them ceases to control them ;
2. To lay anchored automatic contact mines which do not become harmless as soon as they have broken loose from their moorings ;
3. To use torpedoes which do not become harmless when they have missed their mark.

ARTICLE II.

It is forbidden to lay automatic contact mines off the coast and ports of the enemy, with the sole object of intercepting commercial shipping.

ARTICLE III.

When anchored automatic contact mines are employed, every possible precaution must be taken for the security of peaceful shipping.

The belligerents undertake to do their utmost to render these mines harmless within a limited time, and, should they cease to be under surveillance, to notify the danger zones as soon as military exigencies permit, by a notice addressed to ship owners, which must also be communicated to the Governments through the diplomatic channel.

ARTICLE IV.

Neutral Powers which lay automatic contact mines off their coasts must observe the same rules and take the same precautions as are imposed on belligerents.

The neutral Power must inform ship-owners, by a notice issued in advance, where automatic contact mines have been laid. This notice must be communicated at once to the Governments through the diplomatic channel.

ARTICLE V.

At the close of the war, the Contracting Powers undertake to do their utmost to remove the mines which they had laid, each Power removing its own mines.

As regards anchored automatic contact mines laid by one of the belligerents off the coast of the other, their position must be notified to the other party by the Power which laid them, and each Power must proceed with the least possible delay to remove the mines in its own waters.

ARTICLE VI.

The Contracting Powers which do not at present own perfected mines of the pattern contemplated in the present Convention, and which, consequently, could not at present carry out the rules laid down in Articles I and III, undertake to convert the *matériel* of their mines as soon as possible, so as to bring it into conformity with the foregoing requirements.

ARTICLE VII.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE VIII.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent, by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it has received the notification.

ARTICLE IX.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, transmitting to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

ARTICLE X.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE XI.

The present Convention shall remain in force for seven years, dating from the sixtieth day after the date of the first deposit of ratifications.

Unless denounced, it shall continue in force after the expiration of this period.

The denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and six months after the notification has reached the Netherland Government.

ARTICLE XII.

The Contracting Powers undertake to reopen the question of the employment of automatic contact mines six months before the expiration of the period contemplated in the first paragraph of the preceding Article, in the event of the question not having been already reopened and settled by the Third Peace Conference.

If the Contracting Powers conclude a fresh Convention relative to the employment of mines, the present Convention shall cease to be applicable from the moment it comes into force.

ARTICLE XIII.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article VIII, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article IX, paragraph 2) or of denunciation (Article XI, paragraph 3) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

BOMBARDMENT BY NAVAL FORCES.

A CONVENTION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, RESPECTING BOMBARDMENT BY NAVAL FORCES IN TIME OF WAR.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His

Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Animated by the desire to realize the wish expressed by the First Peace Conference respecting the bombardment by naval forces of undefended ports, towns, and villages;

Whereas it is expedient that bombardments by naval forces should be subject to rules of general application which would safeguard the rights of the inhabitants and assure the preservation of the more important buildings, by applying as far as possible to this operation of war the principles of the Regulation of 1899 respecting the Laws and Customs of Land War;

Actuated, accordingly, by the desire to serve the interests of humanity and to diminish the severity and disasters of war;

Have resolved to conclude a Convention to this effect, and have, for this purpose, appointed the following as their Plenipotentiaries:—

[For names of Plenipotentiaries, see Final Act, supra.]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:—

CHAPTER I.—*The Bombardment of Undefended Ports, Towns, Villages, Dwellings, or Buildings.*

•ARTICLE I.

The bombardment by naval forces of undefended ports, towns, villages, dwellings, or buildings is forbidden.

A place cannot be bombarded solely because automatic submarine contact mines are anchored off the harbour.

ARTICLE II.

Military works, military or naval establishments, depôts of arms or war *matériel*, workshops or plant which could be utilized for the

needs of the hostile fleet or army, and the ships of war in the harbour, are not, however, included in this prohibition. The commander of a naval force may destroy them with artillery, after a summons followed by a reasonable time of waiting, if all other means are impossible, and when the local authorities have not themselves destroyed them within the time fixed.

He incurs no responsibility for any unavoidable damage which may be caused by a bombardment under such circumstances.

If for military reasons immediate action is necessary, and no delay can be allowed the enemy, it is understood that the prohibition to bombard the undefended town holds good, as in the case given in paragraph 1, and that the commander shall take all due measures in order that the town may suffer as little harm as possible.

ARTICLE III.

After due notice has been given, the bombardment of undefended ports, towns, villages, dwellings, or buildings may be commenced, if the local authorities, after a formal summons has been made to them, decline to comply with requisitions for provisions or supplies necessary for the immediate use of the naval force before the place in question.

These requisitions shall be in proportion to the resources of the place. They shall only be demanded in the name of the commander of the said naval force, and they shall, as far as possible, be paid for in cash; if not, they shall be evidenced by receipts.

ARTICLE IV.

Undefended ports, towns, villages, dwellings, or buildings may not be bombarded on account of failure to pay money contributions.

CHAPTER II.—*General Provisions.*

ARTICLE V.

In bombardments by naval forces all the necessary measures must be taken by the commander to spare as far as possible sacred edifices, buildings used for artistic, scientific, or charitable purposes, historic monuments, hospitals, and places where the sick or wounded are collected, on the understanding that they are not used at the same time for military purposes.

It is the duty of the inhabitants to indicate such monuments, edifices, or places by visible signs, which shall consist of large stiff rectangular panels divided diagonally into two coloured triangular portions, the upper portion black, the lower portion white.

ARTICLE VI.

If the military situation permits, the commander of the attacking naval force, before commencing the bombardment, must do his utmost to warn the authorities.

ARTICLE VII.

A town or place, even when taken by storm, may not be pillaged.

CHAPTER III.—*Final Provisions.*

ARTICLE VIII.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE IX.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister of Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE X.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere shall notify its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other Powers a duly certified copy of the notification, as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE XI.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE XII.

In the event of one of the contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a

duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE XIII.

A register kept by the Netherland Minister for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article IX, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article X, paragraph 2) or of denunciation (Article XII, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

NAVAL WAR AND THE GENEVA CONVENTION.

A CONVENTION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, FOR THE ADAPTATION TO NAVAL WAR OF THE PRINCIPLES OF THE GENEVA CONVENTION.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Im-

perial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Animated alike by the desire to diminish, as far as depends on them, the inevitable evils of war;

And wishing with this object to adapt to maritime warfare the principles of the Geneva Convention of the 6th July, 1906;

Have resolved to conclude a Convention for the purpose of revising the Convention of the 29th July, 1899, relative to this question, and have appointed the following as their Plenipotentiaries:

[For names of Plenipotentiaries see Final Act, supra.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE I.

Military hospital-ships, that is to say, ships constructed or assigned by States specially and solely with a view to assisting the wounded, sick, and shipwrecked, the names of which have been communicated to the belligerent Powers at the commencement or during the course of hostilities, and in any case before they are employed, shall be respected, and cannot be captured while hostilities last.

These ships, moreover, are not on the same footing as warships as regards their stay in a neutral port.

ARTICLE II.

Hospital-ships, equipped wholly or in part at the expense of private individuals or officially recognized relief societies, shall be likewise respected and exempt from capture, if the belligerent Power to whom they belong has given them an official commission and has notified their names to the hostile Power at the commencement of or during hostilities, and in any case before they are employed.

These ships must be provided with a certificate from the competent authorities declaring that the vessels have been under their control while fitting out and on final departure.

ARTICLE III.

Hospital-ships, equipped wholly or in part at the expense of private individuals or officially recognized societies of neutral countries, shall be respected and exempt from capture, on condition that they are placed under the control of one of the belligerents, with the previous consent of their own Government and with the authorization of the belligerent himself, and that the latter has notified their name to his adversary at the commencement of or during hostilities, and in any case, before they are employed.

ARTICLE IV.

The ships mentioned in Articles I, II, and III shall afford relief and assistance to the wounded, sick, and shipwrecked of the belligerents without distinction of nationality.

The Governments undertake not to use these ships for any military purpose.

These vessels must in no wise hamper the movements of the combatants.

During and after an engagement they will act at their own risk and peril.

The belligerents shall have the right to control and search them; they can refuse to help them, order them off, make them take a certain course, and put a Commissioner on board; they can even detain them, if important circumstances require it.

As far as possible, the belligerents shall enter in the log of the hospital-ships the orders which they give them.

ARTICLE V.

Military hospital-ships shall be distinguished by being painted white outside with a horizontal band of green about a metre and a-half in breadth.

The ships mentioned in Articles II and III shall be distinguished by being painted white outside with a horizontal band of red about a metre and a-half in breadth.

The boats of the ships above mentioned, as also small craft which may be used for hospital work, shall be distinguished by similar painting.

All hospital-ships shall make themselves known by hoisting, with their national flag, the white flag with a red cross provided by the Geneva Convention, and further, if they belong to a neutral State, by flying at the mainmast the national flag of the belligerent under whose control they are placed.

Hospital-ships which, in the terms of Article IV, are detained by the enemy, must haul down the national flag of the belligerent to whom they belong.

The ships and boats above mentioned which wish to ensure by night the freedom from interference to which they are entitled, must, subject to the assent of the belligerent they are accompanying, take the necessary measures to render their special painting sufficiently plain.

ARTICLE VI.

The distinguishing signs referred to in Article V can only be used, whether in time of peace or war, for protecting or indicating the ships therein mentioned.

ARTICLE VII.

In the case of a fight on board a war-ship, the sick-wards shall be respected and spared as far as possible.

The said sick-wards and the *matériel* belonging to them remain subject to the laws of war; they cannot, however, be used for any

purpose other than that for which they were originally intended, so long as they are required for the sick and wounded.

The commander, however, into whose power they have fallen may apply them to other purposes, if the military situation requires it, after seeing that the sick and wounded on board are properly provided for.

ARTICLE VIII.

Hospital-ships and sick-wards of vessels are no longer entitled to protection if they are employed for the purpose of injuring the enemy.

The fact of the staff of the said ships and sick-wards being armed for maintaining order and for defending the sick and wounded, and the presence of wireless telegraphy apparatus on board, is not a sufficient reason for withdrawing protection.

ARTICLE IX.

Belligerents may appeal to the charity of the commanders of neutral merchant-ships, yachts, or boats to take on board and tend the sick and wounded.

Vessels responding to this appeal, and also vessels which have of their own accord rescued sick, wounded, or shipwrecked men, shall enjoy special protection and certain immunities. In no case can they be captured for having such persons on board, but, apart from special undertakings that have been made to them, they remain liable to capture for any violations of neutrality they may have committed.

ARTICLE X.

The religious, medical, and hospital staff of any captured ship is inviolable, and its members cannot be made prisoners of war. On leaving the ship they take away with them the objects and surgical instruments which are their own private property.

This staff shall continue to discharge its duties while necessary, and can afterwards leave, when the Commander-in-chief considers it possible.

The belligerents must guarantee to the said staff, when it has fallen into their hands, the same allowances and pay which are given to the staff of corresponding rank in their own navy.

ARTICLE XI.

Sailors and soldiers on board, when sick or wounded, as well as other persons officially attached to fleets or armies, whatever their nationality, shall be respected and tended by the captors.

ARTICLE XII.

Any war-ship belonging to a belligerent may demand that sick, wounded, or shipwrecked men on board military hospital-ships, hospital-ships belonging to relief societies or to private individuals, merchant-ships, yachts, or boats, whatever the nationality of these vessels, should be handed over.

ARTICLE XIII.

If sick, wounded, or shipwrecked persons are taken on board a neutral war-ship, every possible precaution must be taken that they do not again take part in the operations of the war.

ARTICLE XIV.

The shipwrecked, wounded, or sick of one of the belligerents who fall into the power of the other belligerent are prisoners of war. The captor must decide, according to circumstances, whether to keep them, send them to a port of his own country, to a neutral port, or even to an enemy port. In this last case, prisoners thus repatriated cannot serve again while the war lasts.

ARTICLE XV.

The shipwrecked, sick, or wounded, who are landed at a neutral port with the consent of the local authorities, must, unless an arrangement is made to the contrary between the neutral State and the belligerent States, be guarded by the neutral State so as to prevent them again taking part in the operations of the war.

The expenses of tending them in hospital and interning them shall be borne by the State to which the shipwrecked, sick, or wounded persons belong.

ARTICLE XVI.

After every engagement, the two belligerents, so far as military interests permit, shall take steps to look for the shipwrecked, sick, and wounded, and to protect them, as well as the dead, against pillage and ill treatment.

They shall see that the burial, whether by land or sea, or cremation of the dead shall be preceded by a careful examination of the corpse.

ARTICLE XVII.

Each belligerent shall send, as early as possible, to the authorities of their country, navy, or army the military marks or documents of identity found on the dead and the description of the sick and wounded picked up by him.

The belligerents shall keep each other informed as to internments and transfers as well as to the admissions into hospitals and deaths which have occurred among the sick and wounded in their hands. They shall collect all the objects of personal use, valuables, letters, &c., which are found in the captured ships, or which have been left by the sick or wounded who died in hospital, in order to have them forwarded to the persons concerned by the authorities of their own country.

ARTICLE XVIII.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE XIX.

The Commanders-in-chief of the belligerent fleets must see that the above Articles are properly carried out; they will have also to see to cases not covered thereby, in accordance with the instructions of their respective Governments and in conformity with the general principles of the present Convention.

ARTICLE XX.

The Signatory Powers shall take the necessary measures for bringing the provisions of the present Convention to the knowledge of their naval forces, and especially of the members entitled thereunder to immunity, and for making them known to the public.

ARTICLE XXI.

The Signatory Powers likewise undertake to enact or to propose to their Legislatures, if their criminal laws are inadequate, the measures necessary for checking in time of war individual acts of pillage and ill-treatment in respect to the sick and wounded in the fleet, as well as for punishing, as an unjustifiable adoption of naval or military marks, the unauthorized use of the distinctive marks mentioned in Article V by vessels not protected by the present Convention.

They will communicate to each other, through the Netherland Government, the enactments for preventing such acts at the latest within five years of the ratification of the present Convention.

ARTICLE XXII.

In the case of operations of war between the land and sea forces of belligerents, the provisions of the present Convention do not apply except between the forces actually on board ship.

ARTICLE XXIII.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government through the diplomatic channel to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE XXIV.

Non-Signatory Powers which have accepted the Geneva Convention of the 6th July, 1906, may adhere to the present Convention.

The Power which desires to adhere notifies its intention to the Netherland Government in writing, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE XXV.

The present Convention, duly ratified, shall replace as between Contracting Powers, the Convention of the 29th July, 1899, for the adaptation to maritime warfare of the principles of the Geneva Convention.

The Convention of 1899 remains in force as between the Powers which signed it but which do not also ratify the present Convention.

ARTICLE XXVI.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE XXVII.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE XXVIII.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article XXIII, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article XXIV, paragraph 2) or of denunciation (Article XXVII, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

RIGHT OF CAPTURE IN NAVAL WAR.

A CONVENTION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, RELATIVE TO CERTAIN RESTRICTIONS WITH REGARD TO THE EXERCISE OF THE RIGHT OF CAPTURE IN NAVAL WAR.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Serbia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Recognizing the necessity of more effectively ensuring than hitherto the equitable application of law to the international relations of maritime Powers in time of war;

Considering that, for this purpose, it is expedient, in giving up or, if necessary, in harmonizing for the common interest certain conflicting practices of long standing, to commence codifying in regulations of general application the guarantees due to peaceful commerce and legitimate business, as well as the conduct of hostilities by sea; that it is expedient to lay down in written mutual engagements the principles which have hitherto remained in the uncertain domain of controversy or have been left to the discretion of Governments;

That, from henceforth, a certain number of rules may be made, without affecting the common law now in force with regard to the matters which that law has left unsettled;

Have appointed the following as their Plenipotentiaries:

[For names of Plenipotentiaries, see Final Act, supra.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:—

CHAPTER I.—*Postal Correspondence.*

ARTICLE I.

The postal correspondence of neutrals or belligerents, whatever its official or private character may be, found on the high seas on board a neutral or enemy ship, is inviolable. If the ship is detained, the correspondence is forwarded by the captor with the least possible delay.

The provisions of the preceding paragraph do not apply, in case of violation of blockade, to correspondence destined for or proceeding from a blockaded port.

ARTICLE II.

The inviolability of postal correspondence does not exempt a neutral mail-ship from the laws and customs of maritime war as to neutral merchant-ships in general. The ship, however, may not be searched except when absolutely necessary, and then only with as much consideration and expedition as possible.

CHAPTER II.—*The Exemption from Capture of certain Vessels.*

ARTICLE III.

Vessels used exclusively for fishing along the coast or small boats employed in local trade are exempt from capture, as well as their appliances, rigging, tackle, and cargo.

They cease to be exempt as soon as they take any part whatever in hostilities.

The Contracting Powers agree not to take advantage of the harmless character of the said vessels in order to use them for military purposes while preserving their peaceful appearance.

ARTICLE IV.

Vessels charged with religious, scientific, or philanthropic missions are likewise exempt from capture.

CHAPTER III.—*Regulations regarding the Crews of Enemy Merchant-ships Captured by a Belligerent.*

ARTICLE V.

When an enemy merchant-ship is captured by a belligerent, such of its crew as are nationals of a neutral State are not made prisoners of war.

The same rule applies in the case of the captain and officers, likewise nationals of a neutral State, if they promise formally in writing not to serve on an enemy ship while the war lasts.

ARTICLE VI.

The captain, officers, and members of the crew, when nationals of the enemy State, are not made prisoners of war, on condition that they make a formal promise in writing, not to undertake, while hostilities last, any service connected with the operations of the war.

ARTICLE VII.

The names of the persons retaining their liberty under the conditions laid down in Article V, paragraph 2, and in Article VI, are notified by the belligerent captor to the other belligerent. The latter is forbidden knowingly to employ the said persons.

ARTICLE VIII.

The provisions of the three preceding Articles do not apply to ships taking part in the hostilities.

CHAPTER IV.—*Final Provisions.*

ARTICLE IX.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE X.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers taking part therein and by the Netherland Minister for Foreign Affairs.

Subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE XI.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE XII.

The present Convention shall come into force in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification has been received by the Netherland Government.

ARTICLE XIII.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE XIV.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article X, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article XI, paragraph 2) or of denunciation (Article XIII, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers invited to the Second Peace Conference.

NEUTRAL POWERS IN NAVAL WAR.

[Not signed by the delegates of the United States.]

A CONVENTION ADOPTED BY THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, CONCERNING THE RIGHTS AND DUTIES OF NEUTRAL POWERS IN NAVAL WAR.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Bel-

gians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panama; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

With a view to harmonizing the divergent views which, in the event of naval war, are still held on the relations between neutral Powers and belligerent Powers, and to anticipating the difficulties to which such divergence of views might give rise;

Seeing that, even if it is not possible at present to concert measures applicable to all circumstances which may in practice occur, it is nevertheless undeniably advantageous to frame, as far as possible, rules of general application to meet the case where war has unfortunately broken out;

Seeing that, in cases not covered by the present Convention, it is expedient to take into consideration the general principles of the law of nations;

Seeing that it is desirable that the Powers should issue detailed enactments to regulate the results of the attitude of neutrality when adopted by them;

Seeing that it is, for neutral Powers, an admitted duty to apply these rules impartially to the several belligerents;

Seeing that, in this category of ideas, these rules should not, in principle, be altered, in the course of the war, by a neutral Power, except in a case where experience has shown the necessity for such change for the protection of the rights of that Power;

Have agreed to observe the following common rules, which cannot however modify provisions laid down in existing general Treaties, and have appointed as their Plenipotentiaries, namely:

[For names of Plenipotentiaries, see Final Act, *supra*.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE I.

Belligerents are bound to respect the sovereign rights of neutral Powers and to abstain, in neutral territory or neutral waters, from any act which would, if knowingly permitted by any Power, constitute a violation of neutrality.

ARTICLE II.

Any act of hostility, including capture and the exercise of the right of search, committed by belligerent war-ships in the territorial waters of a neutral Power, constitutes a violation of neutrality and is strictly forbidden.

ARTICLE III.

When a ship has been captured in the territorial waters of a neutral Power, this Power must employ, if the prize is still within its jurisdiction, the means at its disposal to release the prize with its officers and crew, and to intern the prize crew.

If the prize is not in the jurisdiction of the neutral Power, the captor Government, on the demand of that Power, must liberate the prize with its officers and crew.

ARTICLE IV.

A Prize Court cannot be set up by a belligerent on neutral territory or on a vessel in neutral waters.

ARTICLE V.

Belligerents are forbidden to use neutral ports and waters as a base of naval operations against their adversaries, and in particular to erect wireless telegraphy stations or any apparatus for the purpose of communicating with the belligerent forces on land or sea.

ARTICLE VI.

The supply, in any manner, directly or indirectly, by a neutral Power to a belligerent Power, of war-ships, ammunition, or war material of any kind whatever, is forbidden.

ARTICLE VII.

A neutral Power is not bound to prevent the export or transit, for the use of either belligerent, of arms, ammunitions, or, in general, of anything which could be of use to an army or fleet.

ARTICLE VIII.

A neutral Government is bound to employ the means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise, or engage in hostile operations, against a Power with which that Gov-

ernment is at peace. It is also bound to display the same vigilance to prevent the departure from its jurisdiction of any vessel intended to cruise, or engage in hostile operations, which had been adapted entirely or partly within the said jurisdiction for use in war.

ARTICLE IX.

A neutral Power must apply impartially to the two belligerents the conditions, restrictions, or prohibitions made by it in regard to the admission into its ports, roadsteads, or territorial waters, of belligerent war-ships or of their prizes.

Nevertheless, a neutral Power may forbid a belligerent vessel which has failed to conform to the orders and regulations made by it, or which has violated neutrality, to enter its ports or roadsteads.

ARTICLE X.

The neutrality of a Power is not affected by the mere passage through its territorial waters of war-ships or prizes belonging to belligerents.

ARTICLE XI.

A neutral Power may allow belligerent war-ships to employ its licensed pilots.

ARTICLE XII.

In the absence of special provisions to the contrary in the legislation of a neutral Power, belligerent war-ships are not permitted to remain in the ports, roadsteads, or territorial waters of the said Power for more than twenty-four hours, except in the cases covered by the present Convention.

ARTICLE XIII.

If a Power which has been informed of the outbreak of hostilities learns that a belligerent war-ship is in one of its ports or roadsteads, or in its territorial waters, it must notify the said ship to depart within twenty-four hours or within the time prescribed by local regulations.

ARTICLE XIV.

A belligerent war-ship may not prolong its stay in a neutral port beyond the permissible time except on account of damage or stress of weather. It must depart as soon as the cause of the delay is at an end.

The regulations as to the question of the length of time which these vessels may remain in neutral ports, roadsteads, or waters, do not apply to war-ships devoted exclusively to religious, scientific, or philanthropic purposes.

ARTICLE XV.

In the absence of special provisions to the contrary in the legislation of a neutral Power, the maximum number of war-ships belonging to a belligerent which may be in one of the ports or roadsteads of that Power simultaneously shall be three.

ARTICLE XVI.

When war-ships belonging to both belligerents are present simultaneously in a neutral port or roadstead, a period of not less than twenty-four hours must elapse between the departure of the ship belonging to one belligerent and the departure of the ship belonging to the other.

The order of departure is determined by the order of arrival, unless the ship which arrived first is so circumstanced that an extension of its stay is permissible.

A belligerent war-ship may not leave a neutral port or roadstead until twenty-four hours after the departure of a merchant-ship flying the flag of its adversary.

ARTICLE XVII.

In neutral ports and roadsteads belligerent war-ships may only carry out such repairs as are absolutely necessary to render them seaworthy, and may not add in any manner whatsoever to their fighting force. The local authorities of the neutral Power shall decide what repairs are necessary, and these must be carried out with the least possible delay.

ARTICLE XVIII.

Belligerent war-ships may not make use of neutral ports, roadsteads, or territorial waters for replenishing or increasing their supplies of war material or their armament, or for completing their crews.

ARTICLE XIX.

Belligerent war-ships may only revictual in neutral ports or roadsteads to bring up their supplies to the peace standard.

Similarly these vessels may only ship sufficient fuel to enable them to reach the nearest port in their own country. They may, on the other hand, fill up their bunkers built to carry fuel, when in neutral countries which have adopted this method of determining the amount of fuel to be supplied.

If, in accordance with the law of the neutral Power, the ships are not supplied with coal within twenty-four hours of their arrival, the permissible duration of their stay is extended by twenty-four hours.

ARTICLE XX.

Belligerent war-ships which have shipped fuel in a port belonging to a neutral Power may not within the succeeding three months replenish their supply in a port of the same Power.

ARTICLE XXI.

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.

ARTICLE XXII.

A neutral Power must, similarly, release a prize brought into one of its ports under circumstances other than those referred to in Article XXI.

ARTICLE XXIII.

A neutral Power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a Prize Court. It may have the prize taken to another of its ports.

If the prize is convoyed by a war-ship, the prize crew may go on board the convoying ship.

If the prize is not under convoy, the prize crew are left at liberty.

ARTICLE XXIV.

If, notwithstanding the notification of the neutral Power, a belligerent ship of war does not leave a port where it is not entitled to remain, the neutral Power is entitled to take such measures as it considers necessary to render the ship incapable of taking the sea during the war, and the commanding officer of the ship must facilitate the execution of such measures.

When a belligerent ship is detained by a neutral Power, the officers and crew are likewise detained.

The officers and crew thus detained may be left in the ship or kept either on another vessel or on land, and may be subjected to the measures of restriction which it may appear necessary to impose upon them. A sufficient number of men for looking after the vessel must, however, be always left on board.

The officers may be left at liberty on giving their word not to quit the neutral territory without permission.

ARTICLE XXV.

A neutral Power is bound to exercise such surveillance as the means at its disposal allow to prevent any violation of the provisions of the above Articles occurring in its ports or roadsteads or in its waters.

ARTICLE XXVI.

The exercise by a neutral Power of the rights laid down in the present Convention can under no circumstances be considered as an unfriendly act by one or other belligerent who has accepted the Article relating thereto.

ARTICLE XXVII.

The Contracting Powers shall communicate to each other in due course all Laws, Proclamations, and other enactments regulating in their respective countries the status of belligerent warships in their ports and waters, by means of a communication addressed to the Government of the Netherlands, and forwarded immediately by that Government to the other Contracting Powers.

ARTICLE XXVIII.

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.

ARTICLE XXIX.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the ratifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.

ARTICLE XXX.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

That Government shall at once transmit to all the other Powers a to the Netherland Government, forwarding to it the act of adhesion, mentioning the date on which it received the notification.

ARTICLE XXXI.

The present Convention shall come into force in the case of the Powers which were a party to the first deposit of the ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers who ratify subsequently or who adhere, sixty days after the notification of their ratification or of their decision has been received by the Netherland Government.

ARTICLE XXXII.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, who shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has been made to the Netherland Government.

ARTICLE XXXIII.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made by Article XXIX, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article XXX, paragraph 2) or of denunciation (Article XXXII, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

 DISCHARGING PROJECTILES FROM BALLOONS.

A DECLARATION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, PROHIBITING THE DISCHARGE OF PROJECTILES AND EXPLOSIVES FROM BALLOONS.

The Undersigned, Plenipotentiaries of the Powers invited to the Second International Peace Conference at The Hague, duly authorized to that effect by their Governments, inspired by the sentiments which found expression in the Declaration of St. Petersburg of the 29th November (11th December), 1868, and being desirous of renewing the declaration of The Hague of the 29th July, 1899, which has now expired,

Declare:

The Contracting Powers agree to prohibit, for a period extending to the close of the Third Peace Conference, the discharge of projectiles and explosives from balloons or by other new methods of a similar nature.

The present Declaration is only binding on the Contracting Powers in case of war between two or more of them.

It shall cease to be binding from the time when, in a war between the Contracting Powers, one of the belligerents is joined by a non-Contracting Power.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* shall be drawn up recording the receipt of the ratifications, of which a duly certified copy shall be sent, through the diplomatic channel, to all the Contracting Powers.

Non-Signatory Powers may adhere to the present Declaration. To do so, they must make known their adhesion to the Contracting Powers by means of a written notification, addressed to the Netherland Government, and communicated by it to all the other Contracting Powers.

In the event of one of the High Contracting Parties denouncing the present Declaration, such denunciation shall not take effect until a year after the notification made in writing to the Netherland Government, and forthwith communicated by it to all the other Contracting Powers.

This denunciation shall only have effect in regard to the notifying Power.

In faith whereof the Plenipotentiaries have appended their signatures to the present Declaration.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Contracting Powers.

STATUS OF ENEMY MERCHANT SHIPS.

[Not signed by the delegates of the United States—Not ratified by the Senate.]

A CONVENTION ADOPTED BY THE SECOND INTERNATIONAL PEACE CONFERENCE, HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, RELATIVE TO THE STATUS OF ENEMY MERCHANT SHIPS AT THE OUTBREAK OF HOSTILITIES.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the

Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Anxious to ensure the security of international commerce against the surprises of war, and wishing, in accordance with modern practice, to protect as far as possible operations undertaken in good faith and in process of being carried out before the outbreak of hostilities, have resolved to conclude a Convention to this effect, and have appointed the following persons as their Plenipotentiaries:

[For names of Plenipotentiaries, see Final Act, supra.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE I.

When a merchant-ship belonging to one of the belligerent Powers is at the commencement of hostilities in an enemy port, it is desirable that it should be allowed to depart freely, either immediately, or after a reasonable number of days of grace, and to proceed, after being furnished with a pass, direct to its port of destination or any other port indicated.

The same rule should apply in the case of a ship which has left its last port of departure before the commencement of the war and entered a port belonging to the enemy while still ignorant that hostilities had broken out.

ARTICLE II.

A merchant-ship unable, owing to circumstances of *force majeure*, to leave the enemy port within the period contemplated in the above Article, or which was not allowed to leave, cannot be confiscated.

The belligerent may only detain it, without payment of compensation, but subject to the obligation of restoring it after the war, or requisition it on payment of compensation.

ARTICLE III.

Enemy merchant-ships which left their last port of departure before the commencement of the war, and are encountered on the high seas while still ignorant of the outbreak of hostilities cannot be confiscated. They are only liable to detention on the understanding that they shall be restored after the war without compensation, or to be requisitioned, or even destroyed, on payment of compensation, but in such case provision must be made for the safety of the persons on board as well as the security of the ship's papers.

After touching at a port in their own country or at a neutral port, these ships are subject to the laws and customs of maritime war.

ARTICLE IV.

Enemy cargo on board the vessels referred to in Articles I and II is likewise liable to be detained and restored after the termination of the war without payment of compensation, or to be requisitioned on payment of compensation, with or without the ship.

The same rule applies in the case of cargo on board the vessels referred to in Article III.

ARTICLE V.

The present Convention does not affect merchant-ships whose build shows that they are intended for conversion into war-ships.

ARTICLE VI.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE VII.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE VIII.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

The said Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

ARTICLE IX.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of that deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE X.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a

certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE XI.

A register kept by the Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article VII, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Articles VIII, paragraph 2) or of denunciation (Article X, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with certified extracts from it.

In faith whereof the Plenipotentiaries have appended to the present Convention their signatures.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

CONVERSION OF MERCHANT SHIPS INTO WAR SHIPS.

[Not signed by the delegates of the United States—Not ratified by the Senate.]

A CONVENTION ADOPTED BY THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, RELATIVE TO THE CONVERSION OF MERCHANT SHIPS INTO WAR SHIPS.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxembourg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty

the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Whereas it is desirable, in view of the incorporation in time of war of merchant-ships in the fighting fleet, to define the conditions subject to which this operation may be effected;

Whereas, however, the Contracting Powers have been unable to come to an agreement on the question whether the conversion of a merchant-ship into a war-ship may take place upon the high seas, it is understood that the question of the place where such conversion is effected remains outside the scope of this Agreement and is in no way affected by the following rules;

Being desirous of concluding a Convention to this effect, have appointed the following as their Plenipotentiaries:

[For names of Plenipotentiaries, see Final Act, supra.]

Who, after having deposited their full powers, found in good and due form, have agreed upon the following provisions:—

ARTICLE I.

A merchant-ship converted into a war-ship cannot have the rights and duties accruing to such vessels unless it is placed under the direct authority, immediate control, and responsibility of the Power whose flag it flies.

ARTICLE II.

Merchant-ships converted into war-ships must bear the external marks which distinguish the war-ships of their nationality.

ARTICLE III.

The commander must be in the service of the State and duly commissioned by the competent authorities. His name must figure on the list of the officers of the fighting fleet.

ARTICLE IV.

The crew must be subject to military discipline.

ARTICLE V.

Every merchant-ship converted into a war-ship must observe in its operations the laws and customs of wars.

ARTICLE VI.

A belligerent who converts a merchant-ship into a war-ship must, as soon as possible, announce such conversion in the list of war-ships.

ARTICLE VII.

The provisions of the present Convention do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE VIII.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a *procès-verbal* signed by the Representatives of the Powers who take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the *procès-verbal* relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE IX.

Non-Signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

That Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, stating the date on which it received the notification.

ARTICLE X.

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the *procès-verbal* of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

ARTICLE XI.

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherland Government.

ARTICLE XII.

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article VIII, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article IX, paragraph 2) or of denunciation (Article XI, paragraph 1) have been received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

INTERNATIONAL PRIZE COURT.

[Not ratified by the Senate.]

A CONVENTION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE SECOND INTERNATIONAL PEACE CONFERENCE HELD AT THE HAGUE FROM JUNE 15 TO OCTOBER 18, 1907, RELATIVE TO THE CREATION OF AN INTERNATIONAL PRIZE COURT.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal and of the Algarves, &c.; His Majesty the King of Roumania;

His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Animated by the desire to settle in an equitable manner the differences which sometimes arise in the course of a naval war in connection with the decisions of National Prize Courts;

Considering that, if these Courts are to continue to exercise their functions in the manner determined by national legislation it is desirable that in certain cases an appeal should be provided, under conditions conciliating, as far as possible, the public and private interests involved in matters of prize;

Whereas, moreover, the institution of an International Court, whose jurisdiction and procedure would be carefully defined, has seemed to be the best method of attaining this object;

Convinced, finally, that in this manner the hardships consequent on naval war would be mitigated; that, in particular, good relations will be more easily maintained between belligerents and neutrals and peace better assured;

Desirous of concluding a Convention to this effect, have appointed the following as their Plenipotentiaries:

[For names of Plenipotentiaries see Final Act, supra.]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:—

PART I.—*General Provisions.*

ARTICLE I.

The validity of the capture of a merchant-ship or its cargo is decided before a Prize Court in accordance with the present Convention when neutral or enemy property is involved.

ARTICLE II.

Jurisdiction in matters of prize is exercised in the first instance by the Prize Courts of the belligerent captor.

The judgments of these Courts are pronounced in public or are officially notified to parties concerned who are neutrals or enemies.

ARTICLE III.

The judgments of National Prize Courts may be brought before the International Prize Court—

1. When the judgment of the National Prize Courts affects the property of a neutral Power or individual;
2. When the judgment affects enemy property and relates to—
 - (a) Cargo on board a neutral ship;
 - (b) An enemy ship captured in the territorial waters of a neutral Power, when that Power has not made the capture the subject of a diplomatic claim;

(c) A claim based upon the allegation that the seizure has been effected in violation, either of the provisions of a Convention in force between the belligerent Powers, or of an enactment issued by the belligerent captor.

The appeal against the judgment of the National Court can be based on the ground that the judgment was wrong either in fact or in law.

ARTICLE IV.

An appeal may be brought—

1. By a neutral Power, if the judgment of the National Tribunals injuriously affects its property or the property of its nationals (Article III (1)), or if the capture of an enemy vessel is alleged to have taken place in the territorial waters of that Power (Article III (2) (b));

2. By a neutral individual, if the judgment of the National Court injuriously affects his property (Article III (1)), subject, however, to the reservation that the Power to which he belongs may forbid him to bring the case before the Court, or may itself undertake the proceedings in his place;

3. By an individual subject or citizen of an enemy Power, if the judgment of the National Court injuriously affects his property in the cases referred to in Article III (2), except that mentioned in paragraph (b).

ARTICLE V.

An appeal may also be brought on the same conditions as in the preceding Article, by persons belonging either to neutral States or to the enemy, deriving their rights from and entitled to represent an individual qualified to appeal, and who have taken part in the proceedings before the National Court. Persons so entitled may appeal separately to the extent of their interest.

The same rule applies in the case of persons belonging either to neutral States or to the enemy who derive their rights from and are entitled to represent a neutral Power whose property was the subject of the decision.

ARTICLE VI.

When, in accordance with the above Article III, the International Court has jurisdiction, the National Courts cannot deal with a case in more than two instances. The municipal law of the belligerent captor shall decide whether the case may be brought before the International Court after judgment has been given in first instance or only after an appeal.

If the National Courts fail to give final judgment within two years from the date of capture, the case may be carried direct to the International Court.

ARTICLE VII.

If a question of law to be decided is covered by a Treaty in force between the belligerent captor and a Power which is itself or whose subject or citizen is a party to the proceedings, the Court is governed by the provisions of the said Treaty.

In the absence of such provisions, the Court shall apply the rules of international law. If no generally recognized rule exists, the Court shall give judgment in accordance with the general principles of justice and equity.

The above provisions apply equally to questions relating to the order and mode of proof.

If, in accordance with Article III (2) (c), the ground of appeal is the violation of an enactment issued by the belligerent captor, the Court will enforce the enactment.

The Court may disregard failure to comply with the procedure laid down in the enactments of the belligerent captor, when it is of opinion that the consequences of complying therewith are unjust and inequitable.

ARTICLE VIII.

If the Court pronounces the capture of the vessel or cargo to be valid, they shall be disposed of in accordance with the laws of the belligerent captor.

If it pronounces the capture to be null, the Court shall order restitution of the vessel or cargo, and shall fix, if there is occasion, the amount of the damages. If the vessel or cargo have been sold or destroyed, the Court shall determine the compensation to be given to the owner on this account.

If the national Court pronounced the capture to be null, the Court can only be asked to decide as to the damages.

ARTICLE IX.

The Contracting Powers undertake to submit in good faith to the decisions of the International Prize Court and to carry them out with the least possible delay.

PART II.—*Constitution of the International Prize Court.*

ARTICLE X.

The International Prize Court is composed of Judges and Deputy Judges, who will be appointed by the Contracting Powers, and must all be jurists of known proficiency in questions of international maritime law, and of the highest moral reputation.

The appointment of these Judges and Deputy Judges shall be made within six months after the ratification of the present Convention.

ARTICLE XI.

The Judges and Deputy Judges are appointed for a period of six years, reckoned from the date on which the notification of their appointment is received by the Administrative Council established by the Convention for the Pacific Settlement of International Disputes of the 29th July, 1899. Their appointments can be renewed.

Should one of the Judges or Deputy Judges die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. In this case, the appointment is made for a fresh period of six years.

ARTICLE XII.

The Judges of the International Prize Court are all equal in rank and have precedence according to the date on which the notification of their appointment was received (Article XI, paragraph 1), and if they sit by rota (Article XV, paragraph 2), according to the date on which they entered upon their duties. When the date is the same the senior in age takes precedence.

The Deputy Judges when acting are assimilated to the Judges. They rank, however, after them.

ARTICLE XIII.

The Judges enjoy diplomatic privileges and immunities in the performance of their duties and when outside their own country.

Before taking their seat, the Judges must swear, or make a solemn promise before the Administrative Council, to discharge their duties impartially and conscientiously.

ARTICLE XIV.

The Court is composed of fifteen Judges; nine constitute a quorum.

A Judge who is absent or prevented from sitting is replaced by the Deputy Judge.

ARTICLE XV.

The Judges appointed by the following Contracting Powers: Germany, the United States of America, Austria-Hungary, France, Great Britain, Italy, Japan, and Russia, are always summoned to sit.

The Judges and Deputy Judges appointed by the other Contracting Powers sit by rota as shown in the Table annexed to the present Convention; their duties may be performed successively by the same person. The same Judge may be appointed by several of the said Powers.

ARTICLE XVI.

If a belligerent Power has, according to the rota, no Judge sitting in the Court, it may ask that the Judge appointed by it should take part in the settlement of all cases arising from the war. Lots shall then be drawn as to which of the Judges entitled to sit according to the rota shall withdraw. This arrangement does not affect the Judge appointed by the other belligerent.

ARTICLE XVII.

No Judge can sit who has been a party, in any way whatever, to the sentence pronounced by the National Courts, or has taken part in the case as counsel or advocate for one of the parties.

No Judge or Deputy Judge can, during his tenure of office, appear as agent or advocate before the International Prize Court, nor act for one of the parties in any capacity whatever.

ARTICLE XVIII.

The belligerent captor is entitled to appoint a naval officer of high rank to sit as Assessor, but with no voice in the decision. A neutral Power, which is a party to the proceedings or whose subject or citizen is a party, has the same right of appointment; if as the result of this last provision more than one Power is concerned, they must agree among themselves, if necessary by lot, on the officer to be appointed.

ARTICLE XIX.

The Court elects its President and Vice-President by an absolute majority of the votes cast. After two ballots, the election is made by a bare majority, and, in case the votes are equal, by lot.

ARTICLE XX.

The Judges on the International Prize Court are entitled to travelling allowances in accordance with the regulations in force in their own country, and in addition receive, while the Court is sitting or while they are carrying out duties conferred upon them by the Court, a sum of 100 Netherland florins per diem.

These payments are included in the general expenses of the Court dealt with in Article XLVII, and are paid through the International Bureau established by the Convention of the 29th July, 1899.

The Judges may not receive from their own Government or from that of any other Power any remuneration in their capacity of members of the Court.

ARTICLE XXI.

The seat of the International Prize Court is at The Hague and it cannot, except in the case of *force majeure*, be transferred elsewhere without the consent of the belligerents.

ARTICLE XXII.

The Administrative Council fulfils, with regard to the International Prize Court, the same functions as to the Permanent Court of Arbitration, but only Representatives of Contracting Powers will be members of it.

ARTICLE XXIII.

The International Bureau acts as registry to the International Prize Court and must place its offices and staff at the disposal of the Court. It has charges of the archives and carries out the administrative work.

The Secretary-General of the International Bureau acts as Registrar.

The necessary secretaries to assist the Registrar, translators and shorthand writers are appointed and sworn in by the Court.

ARTICLE XXIV.

The Court determines which language it will itself use and what languages may be used before it, but the official language of the National Courts which have had cognizance of the case may always be used before the Court.

ARTICLE XXV.

Powers which are concerned in a case may appoint special agents to act as intermediaries between themselves and the Court. They may also engage counsel or advocates to defend their rights and interests.

ARTICLE XXVI.

A private person concerned in a case will be represented before the Court by an attorney, who must be either an advocate qualified to plead before a Court of Appeal or a High Court of one of the Contracting States, or a lawyer practising before a similar Court, or lastly, a professor of law at one of the higher teaching centres of those countries.

ARTICLE XXVII.

For all notices to be served, in particular on the parties, witnesses, or experts, the Court may apply direct to the Government of the State on whose territory the service is to be carried out. The same rule applies in the case of steps being taken to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the Power applied to under its municipal law allow. They cannot be rejected unless the Power in question considers them calculated to impair its sovereign rights or its safety. If the request is complied with, the fees charged must only comprise the expenses actually incurred.

The Court is equally entitled to act through the Power on whose territory it sits.

Notices to be given to parties in the place where the Court sits may be served through the International Bureau.

PART III.—*Procedure in the International Prize Court.*

ARTICLE XXVIII.

An appeal to the International Prize Court is entered by means of a written declaration made in the National Court which has already dealt with the case or addressed to the International Bureau; in the latter case the appeal can be entered by telegram.

The period within which the appeal must be entered is fixed at 120 days, counting from the day the decision is delivered or notified (Article II, paragraph 2).

ARTICLE XXIX.

If the notice of appeal is entered in the National Court, this Court, without considering the question whether the appeal was entered in due time, will transmit within seven days the record of the case to the International Bureau.

If the notice of the appeal is sent to the International Bureau, the Bureau will immediately inform the National Court, when possible by telegraph. The latter will transmit the record as provided in the preceding paragraph.

When the appeal is brought by a neutral individual the International Bureau at once informs by telegraph the individual's Government, in order to enable it to enforce the rights it enjoys under Article IV, paragraph 2.

ARTICLE XXX.

In the case provided for in Article VI, paragraph 2, the notice of appeal can be addressed to the International Bureau only. It must be entered within thirty days of the expiration of the period of two years.

ARTICLE XXXI.

If the appellant does not enter his appeal within the period laid down in Articles XXVIII or XXX, it shall be rejected without discussion.

Provided that he can show that he was prevented from so doing by *force majeure*, and that the appeal was entered within sixty days after the circumstances which prevented him entering it before had ceased to operate, the Court can, after hearing the respondent, grant relief from the effect of the above provision.

ARTICLE XXXII.

If the appeal is entered in time, a certified copy of the notice of appeal is forthwith officially transmitted by the Court to the respondent.

ARTICLE XXXIII.

If, in addition to the parties who are before the Court, there are other parties concerned who are entitled to appeal, or if, in the case referred to in Article XXIX, paragraph 3, the Government who has received notice of an appeal has not announced its decision, the Court will await before dealing with the case the expiration of the period laid down in Articles XXVIII or XXX.

ARTICLE XXXIV.

The procedure before the International Court includes two distinct parts: the written pleadings and the oral discussions.

The written pleadings consist of the deposit and exchange of cases, counter-cases, and, if necessary, of replies, of which the order is fixed by the Court, as also the periods within which they must be delivered. The parties annex thereto all papers and documents of which they intend to make use.

A certified copy of every document produced by one party must be communicated to the other party through the medium of the Court.

ARTICLE XXXV.

After the close of the pleadings, a public sitting is held on a day fixed by the Court.

At this sitting the parties state their view of the case both as to the law and as to the facts.

The Court may, at any stage of the proceedings, suspend speeches of counsel, either at the request of one of the parties, or on their own initiative, in order that supplementary evidence may be obtained.

ARTICLE XXXVI.

The International Court may order the supplementary evidence to be taken either in the manner provided by Article XXVII, or before itself, or one or more of the members of the Court, provided that this can be done without resort to compulsion or the use of threats.

If steps are to be taken for the purpose of obtaining evidence by members of the Court outside the territory where it is sitting, the consent of the foreign Government must be obtained.

ARTICLE XXXVII.

The parties are summoned to take part in all stages of the proceedings and receive certified copies of the Minutes.

ARTICLE XXXVIII.

The discussions are under the control of the President or Vice-President, or, in case they are absent or cannot act, of the senior Judge present.

The Judge appointed by a belligerent party cannot preside.

ARTICLE XXXIX.

The discussions take place in public, subject to the right of a Government who is a party to the case to demand that they be held in private.

Minutes are taken of these discussions and signed by the President and Registrar, and these Minutes alone have an authentic character.

ARTICLE XL.

If a party does not appear, despite the fact that he has been duly cited, or if a party fails to comply with some step within the period fixed by the Court, the case proceeds without that party, and the Court gives judgment in accordance with the material at its disposal.

ARTICLE XLI.

The Court officially notifies to the parties Decrees or decisions made in their absence.

ARTICLE XLII.

The Court takes into consideration in arriving at its decision all the facts, evidence, and oral statements.

ARTICLE XLIII.

The Court considers its decision in private and the proceedings are secret.

All questions are decided by a majority of the Judges present. If the number of Judges is even and equally divided, the vote of the junior Judge in the order of precedence laid down in Article XII, paragraph 1, is not counted.

ARTICLE XLIV.

The judgment of the Court must give the reasons on which it is based. It contains the names of the Judges taking part in it, and also of the Assessors, if any; it is signed by the President and Registrar.

ARTICLE XLV.

The sentence is pronounced in public sitting, the parties concerned being present or duly summoned to attend; the sentence is officially communicated to the parties.

When this communication has been made, the Court transmits to the National Prize Court the record of the case, together with copies of the various decisions arrived at and of the Minutes of the proceedings.

ARTICLE XLVI.

Each party pays its own costs.

The party against whom the Court decides bears, in addition, the costs of the trial, and also pays 1 per cent. of the value of the subject-matter of the case as a contribution to the general expenses of the International Court. The amount of these payments is fixed in the judgment of the Court.

If the appeal is brought by an individual, he will furnish the International Bureau with security to an amount fixed by the Court, for the purpose of guaranteeing eventful fulfilment of the two obligations mentioned in the preceding paragraph. The Court is entitled to postpone the opening of the proceedings until the security has been furnished.

ARTICLE XLVII.

The general expenses of the International Prize Court are borne by the Contracting Powers in proportion to their share in the composition of the Court as laid down in Article XV and in the annexed Table. The appointment of Deputy Judges does not involve any contribution.

The Administrative Council applies to the Powers for the funds requisite for the working of the Court.

ARTICLE XLVIII.

When the Court is not sitting, the duties conferred upon it by Article XXXII, Article XXXIV, paragraphs 2 and 3, Article XXXV, paragraph 1, and Article XLVI, paragraph 3, are discharged by a delegation of three Judges appointed by the Court. This delegation decides by a majority of votes.

ARTICLE XLIX.

The Court itself draws up its own rules of procedure, which must be communicated to the Contracting Powers.

It will meet to elaborate these rules within a year of the ratification of the present Convention.

ARTICLE L.

The Court may propose modifications in the provisions of the present Convention concerning procedure. These proposals are communicated, through the medium of the Netherland Government, to the Contracting Powers, which will consider together as to the measures to be taken.

PART IV.—*Final Provisions.*

ARTICLE LI.

The present Convention does not apply as of right except when the belligerent Powers are all parties to the Convention.

It is further fully understood that an appeal to the International Prize Court can only be brought by a Contracting Power or the subject or citizen of a Contracting Power.

In the cases mentioned in Article V, the appeal is only admitted when both the owner and the person entitled to represent him are equally Contracting Powers or the subjects or citizens of Contracting Powers.

ARTICLE LII.

The present Convention shall be ratified and the ratifications shall be deposited at The Hague as soon as all the Powers mentioned in Article XV and in the Table annexed are in a position to do so.

The deposit of the ratifications shall take place, in any case, on the 30th June, 1909, if the Powers which are ready to ratify furnish nine Judges and nine Deputy Judges to the Court, qualified to validly constitute a Court. If not, the deposit shall be postponed until this condition is fulfilled.

A Minute of the deposit of ratifications shall be drawn up, of which a certified copy shall be forwarded, through the diplomatic channel, to each of the Powers referred to in the first paragraph.

ARTICLE LIII.

The Powers referred to in Article XV and in the Table annexed are entitled to sign the present Convention up to the deposit of the ratifications contemplated in paragraph 2 of the preceding Article.

After this deposit, they can at any time adhere to it, purely and simply. A Power wishing to adhere, notifies its intention in writing to the Netherland Government transmitting to it, at the same time, the act of adhesion, which shall be deposited in the archives of the said Government. The latter shall send, through the diplomatic channel, a certified copy of the notification and of the act of adhesion to all the Powers referred to in the preceding paragraph, informing them of the date on which it has received the notification.

ARTICLE LIV.

The present Convention shall come into force six months from the deposit of the ratifications contemplated in Article LII, paragraphs 1 and 2.

The adhesions shall take effect sixty days after notification of such adhesion has been received by the Netherland Government, or as soon as possible on the expiration of the period contemplated in the preceding paragraph.

The International Court shall, however, have jurisdiction to deal with prize cases decided by the National Courts at any time after the deposit of the ratifications or of the receipt of the notification of the adhesions. In such cases, the period fixed in Article XXVIII, paragraph 2, shall only be reckoned from the date when the Convention comes into force as regards a Power which has ratified or adhered.

ARTICLE LV.

The present Convention shall remain in force for twelve years from the time it comes into force, as determined by Article LIV, paragraph 1, even in the case of Powers which adhere subsequently.

It shall be renewed tacitly from six years to six years unless denounced.

Denunciation must be notified in writing, at least one year before the expiration of each of the periods mentioned in the two preceding paragraphs, to the Netherland Government, which will inform all the other Contracting Powers.

Denunciation shall only take effect in regard to the Power which has notified it. The Convention shall remain in force in the case of the other Contracting Powers, provided that their participation in the appointment of Judges is sufficient to allow of the composition of the Court with nine Judges and nine Deputy Judges.

ARTICLE LVI.

In case the present Convention is not in operation as regards all the Powers referred to in Article XV and the annexed Table, the Administrative Council shall draw up a list on the lines of that Article and Table of the Judges and Deputy Judges through whom the Contracting Powers will share in the composition of the Court. The times allotted by the said Table to Judges who are summoned to sit in rota will be redistributed between the different years of the six-year period in such a way that, as far as possible, the number of the Judges of the Court in each year shall be the same. If the number of Deputy Judges is greater than that of the Judges, the number of the latter can be completed by Deputy Judges chosen by lot among those Powers which do not nominate a Judge.

The list drawn up in this way by the Administrative Council shall be notified to the Contracting Powers. It shall be revised when the number of these Powers is modified as the result of adhesions or denunciations.

The change resulting from an adhesion is not made until the 1st January after the date on which the adhesion takes effect, unless the

adhering Power is a belligerent Power, in which case it can ask to be at once represented in the Court, the provision of Article XVI being, moreover, applicable if necessary.

When the total number of Judges is less than eleven, seven Judges form a quorum.

ARTICLE LVII.

Two years before the expiration of each period referred to in paragraphs 1 and 2 of Article LV any Contracting Power can demand a modification of the provisions of Article XV and of the annexed Table, relative to its participation in the composition of the Court. The demand shall be addressed to the Administrative Council, which will examine it and submit to all the Powers proposals as to the measures to be adopted. The Powers shall inform the Administrative Council of their decision with the least possible delay. The result shall be at once, and at least one year and thirty days before the expiration of the said period of two years, communicated to the Power which made the demand.

When necessary, the modifications adopted by the Powers shall come into force from the commencement of the fresh period.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers designated in Article XV and in the Table annexed.

ANNEX TO ARTICLE XV.

Distribution of Judges and Deputy Judges by Countries for each Year of the period of Six Years.

Judges.		Deputy Judges.		Judges.		Deputy Judges.	
<i>First Year.</i>				<i>Second Year.</i>			
1	Argentina.....	Paraguay.		Argentina.....	Panamá.		
2	Colombia.....	Bolivia.		Spain.....	Spain.		
3	Spain.....	Spain.		Greece.....	Roumania.		
4	Greece.....	Roumania.		Norway.....	Sweden.		
5	Norway.....	Sweden.		Netherlands.....	Belgium.		
6	Netherlands.....	Belgium.		Turkey.....	Luxemburg.		
7	Turkey.....	Persia.		Uruguay.....	Costa Rica.		
<i>Third Year.</i>				<i>Fourth Year.</i>			
1	Brazil.....	Santo Domingo.		Brazil.....	Guatemala.		
2	China.....	Turkey.		China.....	Turkey.		
3	Spain.....	Portugal.		Spain.....	Portugal.		
4	Netherlands.....	Switzerland.		Peru.....	Honduras.		
5	Roumania.....	Greece.		Roumania.....	Greece.		
6	Sweden.....	Denmark.		Sweden.....	Denmark.		
7	Venezuela.....	Haïti.		Switzerland.....	Netherlands.		
<i>Fifth Year.</i>				<i>Sixth Year.</i>			
1	Belgium.....	Netherlands.		Belgium.....	Netherlands.		
2	Bulgaria.....	Montenegro.		Chile.....	Salvador.		
3	Chile.....	Nicaragua.		Denmark.....	Norway.		
4	Denmark.....	Norway.		Mexico.....	Ecuador.		
5	Mexico.....	Cuba.		Portugal.....	Spain.		
6	Persia.....	China.		Servia.....	Bulgaria.		
7	Portugal.....	Spain.		Siam.....	China.		

FINAL ACT OF THE SECOND INTERNATIONAL PEACE CONFERENCE.

THE FINAL ACT OF THE SECOND INTERNATIONAL PEACE CONFERENCE,
AND THE ANNEX ATTACHED THERETO, ADOPTED AT THE HAGUE
DURING THE SESSIONS OF THE CONFERENCE.

The Second International Peace Conference, proposed in the first instance by the President of the United States of America, having been convoked, on the invitation of His Majesty the Emperor of All the Russias, by Her Majesty the Queen of the Netherlands, assembled on the 15th June, 1907, at The Hague, in the Hall of the Knights, for the purpose of giving a fresh development to the humanitarian principles which served as a basis for the work of the First Conference of 1899.

The following Powers took part in the Conference, and appointed the Delegates named below:—

Germany:

His Excellency Baron Marschall de Bieberstein, Minister of State, Imperial Ambassador at Constantinople, First Delegate Plenipotentiary;

M. Kriege, Imperial Envoy on Extraordinary Mission at the present Conference, Privy Councillor of Legation and Legal Adviser to the Ministry for Foreign Affairs, Member of the Permanent Court of Arbitration, Second Delegate Plenipotentiary;

Rear-Admiral Siegel, Naval Attaché to the Imperial Embassy at Paris, Naval Delegate;

Major-General de Gündell, Quarter-Master General of the General Staff of the Royal Prussian Army, Military Delegate;

M. Zorn, Professor to the Faculty of Law at the University of Bonn, Judicial Privy Councillor, Member of the Prussian Upper Chamber, and Crown Syndic, Scientific Delegate;

M. Göppert, Councillor of Legation and Councillor attached to the Department for Foreign Affairs, Assistant Delegate;

M. Retzmann, Lieutenant-Commander on the Naval General Staff, Assistant Naval Delegate.

The United States of America:

His Excellency Mr. Joseph H. Choate, ex-Ambassador at London, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency Mr. Horace Porter, ex-Ambassador at Paris, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency Mr. Uriah M. Rose, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency Mr. David Jayne Hill, ex-Assistant Secretary of State, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Rear-Admiral Charles S. Sperry, ex-President of the Naval War College, Minister Plenipotentiary, Delegate Plenipotentiary;

Brigadier-General George B. Davis, Judge Advocate-General of the United States' Army, Minister Plenipotentiary, Delegate Plenipotentiary;

Mr. William I. Buchanan, ex-Minister at Buenos Ayres, ex-Minister at Panamá, Minister Plenipotentiary, Delegate Plenipotentiary;

The United States of America—Continued.

Mr. James Brown Scott, Solicitor for the Department of State,
Technical Delegate;

Mr. Charles Henry Butler, Reporter of the Supreme Court,
Technical Delegate.

The Argentine Republic:

His Excellency M. Roque Saenz Peña, ex-Minister for Foreign
Affairs, Envoy Extraordinary and Minister Plenipotentiary at
Rome, Member of the Permanent Court of Arbitration, Dele-
gate Plenipotentiary.

His Excellency M. Luis M. Drago, ex-Minister for Foreign
Affairs, Deputy, Member of the Permanent Court of Arbitra-
tion, Delegate Plenipotentiary;

His Excellency M. Carlos Rodríguez Larreta, ex-Minister for
Foreign Affairs, Member of the Permanent Court of Arbitra-
tion, Delegate Plenipotentiary;

General Francisco Reynolds, Military Attaché at Berlin, Tech-
nical Delegate;

Captain Juan A. Martin, ex-Minister of Marine, Naval Attaché
at London, Technical Delegate.

Austria-Hungary:

His Excellency M. Gaëtan Mérey de Kapos-Mére, Privy Coun-
cillor of His Imperial and Royal Apostolic Majesty, Ambassa-
dor Extraordinary and Plenipotentiary, First Delegate Pleni-
potentiary;

His Excellency Baron Charles de Macchio, Envoy Extraordinary
and Minister Plenipotentiary at Athens, Second Delegate
Plenipotentiary;

M. Henri Lammasch, Professor at the University of Vienna,
Aulic Councillor, Member of the Austrian Upper Chamber of
the Reichsrath, Member of the Permanent Court of Arbitra-
tion, Scientific Delegate;

M. Antoine Haus, Rear-Admiral, Naval Delegate;

Baron Wladimir Giesl de Gieslingen, Major-General, Military
Plenipotentiary at the Imperial and Royal Embassy at Con-
stantinople and at the Imperial and Royal Legation at Athens,
Military Delegate;

The Chevalier Othon de Weil, Aulic and Ministerial Councillor
at the Ministry of the Imperial and Royal Household and of
Foreign Affairs, Delegate;

M. Jules Szilassy de Szilas et Pilis, Councillor of Legation,
Delegate;

M. Emile Konek de Norwall, Naval Lieutenant of the First Class,
Delegate Attached.

Belgium:

His Excellency M. A. Beernaert, Minister of State, Member of
the Chamber of Representatives, Member of the Institute of
France and of the Royal Academies of Belgium and Roumania,
Honorary Member of the Institute of International Law, Mem-
ber of the Permanent Court of Arbitration, Delegate Pleni-
potentiary;

Belgium—Continued.

His Excellency M. J. van den Heuvel, Minister of State, ex-Minister of Justice, Delegate Plenipotentiary;

His Excellency Baron Guillaume, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Member of the Royal Academy of Roumania, Delegate Plenipotentiary.

Bolivia:

His Excellency M. Claudio Pinilla, Minister for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. Fernando E. Guachalla, Minister Plenipotentiary at London, Delegate Plenipotentiary.

Brazil:

His Excellency M. Ruy Barbosa, Ambassador Extraordinary and Plenipotentiary, Vice-President of the Senate, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency M. Eduardo F. S. dos Santos Lisbôa, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Colonel Roberto Trompowsky Leitão de Almeida, Military Attaché at The Hague, Technical Delegate;

Commander Tancredo Burlamaqui de Moura, Technical Delegate.

Bulgaria:

Major-General on the Staff Vrbán Vinaroff, General *à la suite*, First Delegate Plenipotentiary;

M. Ivan Karandjouloff, Procureur-Général of the Court of Cassation, Second Delegate Plenipotentiary;

Commander S. Dimitrieff, Chief of the Staff of the Bulgarian Flotilla, Delegate.

Chile:

His Excellency M. Domingo Gana, Envoy Extraordinary and Minister Plenipotentiary at London, Delegate Plenipotentiary;

His Excellency M. Augusto Matte, Envoy Extraordinary and Minister Plenipotentiary at Berlin, Delegate Plenipotentiary;

His Excellency M. Carlos Concha, ex-Minister of War, ex-President of the Chamber of Deputies, ex-Envoy Extraordinary and Minister Plenipotentiary at Buenos Ayres, Delegate Plenipotentiary.

China:

His Excellency Mr. Lu Tsêng-Tsiang, Ambassador Extraordinary, Delegate Plenipotentiary;

His Excellency the Honourable John W. Foster, ex-Secretary of State of the United States' Department for Foreign Affairs, Delegate Plenipotentiary;

His Excellency Mr. Tsien-Sun, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Colonel W. S. Y. Tinge, Judge Advocate-General at the War Office, Military Delegate;

Mr. Chang Ching Tong, Secretary of Legation, Assistant Delegate;

Mr. Chao-Hi-Chiu, ex-Secretary of the Imperial Chinese Mission and Legation at Paris and Rome, Assistant Delegate.

Colombia :

General Jorge Holguin, Delegate Plenipotentiary ;
 M. Santiago Perez Triana, Delegate Plenipotentiary ;
 His Excellency General M. Vargas, Envoy Extraordinary and
 Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

The Republic of Cuba :

M. Antonio Sanchez de Bustamante, Professor of International
 Law at the University of Havana, Senator of the Republic,
 Delegate Plenipotentiary ;
 His Excellency M. Gonzalo de Quesada y Arostégui, Envoy
 Extraordinary and Minister Plenipotentiary at Washington,
 Delegate Plenipotentiary ;
 M. Manuel Sanguily, ex-Director of the Institute of Secondary
 Education at Havana, Senator of the Republic, Delegate
 Plenipotentiary.

Denmark :

His Excellency M. C. Brun, Envoy Extraordinary and Minister
 Plenipotentiary at Washington, First Delegate Plenipoten-
 tiary ;
 Rear-Admiral C. F. Scheller, Second Delegate Plenipotentiary ;
 M. A. Vedel, Chamberlain, Head of Department at the Royal
 Ministry for Foreign Affairs, Third Delegate Plenipotentiary.

The Dominican Republic :

M. Francisco Henriquez i Carvajal, ex-Minister for Foreign Af-
 fairs, Member of the Permanent Court of Arbitration, Dele-
 gate Plenipotentiary ;
 M. Apolinar Tejera, Rector of the Professional Institute of Santo
 Domingo, Member of the Permanent Court of Arbitration,
 Delegate Plenipotentiary.

The Republic of the Ecuador :

His Excellency M. Victor Rendón, Envoy Extraordinary and
 Minister Plenipotentiary at Paris and Madrid, Delegate Pleni-
 potentiary ;
 M. Enrique Dorn y de Alsua, Chargé d'Affaires, Delegate Pleni-
 potentiary.

Spain :

His Excellency M. W. R. De Villa-Urrutia, Senator, ex-Minister
 for Foreign Affairs, Ambassador Extraordinary and Pleni-
 potentiary at London, First Delegate Plenipotentiary ;
 His Excellency M. José de la Rica y Calvo, Envoy Extraordinary
 and Minister Plenipotentiary at The Hague, Delegate Pleni-
 potentiary ;
 M. Gabriel Maura y Gamazo, Count de la Mortera, Deputy to
 the Cortes, Delegate Plenipotentiary ;
 M. J. Jofre Montojo, Colonel on the Staff, Aide-de-camp to the
 Minister of War, Assistant Military Delegate ;
 Captain Francisco Chacon, Assistant Naval Delegate.

France :

His Excellency M. Léon Bourgeois, Ambassador Extraordinary,
 Senator, ex-President of the Council, ex-Minister for Foreign
 Affairs, Member of the Permanent Court of Arbitration, Dele-
 gate, First Plenipotentiary ;

France—Continued.

Baron d'Estournelles de Constant, Senator, Minister Plenipotentiary of the First Class, Member of the Permanent Court of Arbitration, Delegate, Second Plenipotentiary;

M. Louis Renault, Professor at the Faculty of Law at Paris, Honorary Minister Plenipotentiary, Legal Adviser to the Ministry for Foreign Affairs, Member of the Institute, Member of the Permanent Court of Arbitration, Delegate, Third Plenipotentiary;

His Excellency M. Marcellin Pellet, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate, Fourth Plenipotentiary;

General of Division Amourel, Military Delegate;

Rear-Admiral Arago, Naval Delegate;

M. Fromageot, Advocate at the Court of Appeal at Paris, Technical Delegate;

Captain Lacaze, Second Naval Delegate;

Lieutenant-Colonel Siben, Military Attaché at Brussels and The Hague, Second Military Delegate.

Great Britain:

His Excellency the Right Honourable Sir Edward Fry, G. C. B., Member of the Privy Council, Ambassador Extraordinary, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency the Right Honorable Sir Ernest Mason Satow, G.C.M.G., Member of the Privy Council, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency the Right Honorable Lord Reay, G.C.S.I., G.C.I.E., Member of the Privy Council, ex-President of the Institute of International Law, Delegate Plenipotentiary.

His Excellency Sir Henry Howard, K.C.M.G., C.B., Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;

Lieutenant-General Sir Edmond R. Elles, G.C.I.E., K.C.B., Military Delegate;

Captain C. L. Ottley, M.V.O., R.N., A.D.C., Naval Delegate;

Mr. Eyre Crowe, Councillor of Embassy, Technical Delegate, First Secretary to the delegation;

Mr. Cecil Hurst, Councillor of Embassy, Technical Delegate, Legal Adviser to the delegation;

Lieutenant-Colonel the Honourable Henry Yarde-Buller, D.S.O., Military Attaché at The Hague, Technical Delegate;

Commander J. R. Segrave, R.N., Technical Delegate;

Major George K. Cockerill, General Staff, Technical Delegate.

Greece:

His Excellency M. Cléon Rizo Rangabé, Envoy Extraordinary and Minister Plenipotentiary at Berlin, First Delegate Plenipotentiary;

M. Georges Streit, Professor of International Law at the University of Athens, Member of the Permanent Court of Arbitration, Second Delegate Plenipotentiary;

Colonel of Artillery C. Sapountzakis, Chief of the General Staff, Technical Delegate.

Guatemala:

- M. José Tible Machado, Chargé d'Affaires at The Hague and London, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
 M. Enrique Gomez Carrillo, Chargé d'Affaires at Berlin, Delegate Plenipotentiary.

The Republic of Haïti:

- His Excellency M. Jean Joseph Dalbemar, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary;
 His Excellency M. J. N. Léger, Envoy Extraordinary and Minister Plenipotentiary at Washington, Delegate Plenipotentiary;
 Mr. Pierre Hudicourt, ex-Professor of International Public Law, Advocate at the Bar of Port-au-Prince, Delegate Plenipotentiary.

Italy:

- His Excellency Count Joseph Torrielli Brusati di Vergano, Senator of the Kingdom, Ambassador of His Majesty the King at Paris, Member of the Permanent Court of Arbitration, President of the Italian delegation, Delegate Plenipotentiary;
 His Excellency M. Guido Pompilj, Parliamentary Deputy, Under-Secretary of State at the Royal Ministry for Foreign Affairs, Delegate Plenipotentiary;
 M. Guido Fusinato, Councillor of State, Parliamentary Deputy, ex-Minister of Education, Delegate Plenipotentiary;
 M. Marius Nicolis de Robilant, General of Brigade, Technical Delegate;
 M. François Castiglia, Captain in the Navy, Technical Delegate.

Japan:

- His Excellency Mr. Keiroku Tsudzuki, Ambassador Extraordinary and Plenipotentiary, First Delegate Plenipotentiary;
 His Excellency Mr. Aimaro Sato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate Plenipotentiary;
 Mr. Henry Willard Denison, Legal Adviser to the Imperial Ministry for Foreign Affairs, Member of the Permanent Court of Arbitration, Technical Delegate;
 Major-General Yoshifuru Akiyama, Inspector of Cavalry, Technical Delegate;
 Rear-Admiral Hayao Shimamura, President of the Naval College at Etajima, Technical Delegate.

Luxemburg:

- His Excellency M. Eyschen, Minister of State, President of the Grand-Ducal Government, Delegate Plenipotentiary;
 Count de Villiers, Chargé d'Affaires at Berlin, Delegate Plenipotentiary.

Mexico:

- His Excellency M. Gonzalo A. Esteva, Envoy Extraordinary and Minister Plenipotentiary at Rome, First Delegate Plenipotentiary;
 His Excellency M. Sebastian B. de Mier, Envoy Extraordinary and Minister Plenipotentiary at Paris, Second Delegate Plenipotentiary;

Mexico—Continued.

His Excellency M. Francisco L. de la Barra, Envoy Extraordinary and Minister Plenipotentiary at Brussels and at The Hague, Third Delegate Plenipotentiary.

Montenegro:

His Excellency M. Nélidow, Privy Councillor, Russian Ambassador at Paris, Delegate Plenipotentiary;

His Excellency M. de Martens, Privy Councillor, Permanent Member of the Council of the Imperial Russian Ministry for Foreign Affairs, Delegate Plenipotentiary;

His Excellency M. Tcharykow, Councillor of State, Chamberlain, Envoy Extraordinary and Minister Plenipotentiary of Russia at The Hague, Delegate Plenipotentiary.

Nicaragua:

His Excellency M. Crisanto Medina, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

Norway:

His Excellency M. Francis Hagerup, ex-President of the Council, ex-Professor of Law, Member of the Permanent Court of Arbitration, Envoy Extraordinary and Minister Plenipotentiary at The Hague and Copenhagen, Delegate Plenipotentiary;

M. Joachim Grieg, Shipowner and Deputy, Technical Delegate.
M. Christian Lous Lange, Secretary to the Nobel Committee of the Norwegian Storting, Technical Delegate.

Panamá:

M. Belisario Porras, Delegate Plenipotentiary.

Paraguay:

His Excellency M. Eusebio Machain, Envoy Extraordinary and Minister Plenipotentiary at Paris, Delegate Plenipotentiary.

The Netherlands:

M. W. H. de Beaufort, ex-Minister for Foreign Affairs, Member of the Second Chamber of the States-General, Delegate Plenipotentiary;

His Excellency M. T. M. C. Asser, Minister of State, Member of the Council of State, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

His Excellency Jonkheer J. C. C. Den Beer Poortugael, Lieutenant-General on the retired list, ex-Minister of War, Member of the Council of State, Delegate Plenipotentiary;

His Excellency Jonkheer J. A. Röell, Aid-de-camp to Her Majesty the Queen in Extraordinary Service, Vice-Admiral on the retired list, ex-Minister of Marine, Delegate Plenipotentiary;

M. J. A. Loeff, ex-Minister of Justice, Member of the Second Chamber of the States-General, Delegate Plenipotentiary;

M. H. L. van Oordt, Lieutenant-Colonel on the Staff, Professor at the Higher Military College, Technical Delegate;

M. Jonkheer W. J. M. van Eysinga, Head of the Political Section at the Ministry for Foreign Affairs, Assistant Delegate;

The Netherlands—Continued.

- M. Jonkheer H. A. van Karnebeek, Gentleman of the Chamber, Assistant Head of Department at the Colonial Office, Assistant Delegate;
- M. H. G. Surie, Naval Lieutenant of the First Class, Technical Delegate.

Peru:

- His Excellency M. Carlos G. Candamo, Envoy Extraordinary and Minister Plenipotentiary at Paris and London, Member of the Permanent Court of Arbitration, Delegate plenipotentiary;
- M. Gustavo de la Fuente, First Secretary of Legation at Paris, Assistant Delegate.

Persia:

- His Excellency Samad Khan Momtas-es-Saltaneh, Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration, Delegate, First Plenipotentiary;
- His Excellency Mirza Ahmed Khan Sadig-ul-Mulkh, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;
- M. Hennebicq, Legal Adviser to the Minister for Foreign Affairs at Teheran, Technical Delegate.

Portugal:

- His Excellency the Marquis de Soveral, Councillor of State, Peer of the Realm, ex-Minister for Foreign Affairs, Envoy Extraordinary and Minister Plenipotentiary at London, Ambassador Extraordinary and Plenipotentiary, Delegate Plenipotentiary;
- His Excellency Count de Sélir, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;
- His Excellency M. Alberto d'Oliveira, Envoy Extraordinary and Minister Plenipotentiary at Berne, Delegate Plenipotentiary;
- Lieutenant-Colonel Thomaz Antonio Garcia Rosado, General Staff, Technical Delegate;
- M. Guilherme Ivens Ferraz, Lieutenant-Commander in the Navy, Technical Delegate.

Roumania:

- His Excellency M. Alexandre Beldiman, Envoy Extraordinary and Minister Plenipotentiary at Berlin, First Delegate Plenipotentiary;
- His Excellency M. Edgard Mavrocordato, Envoy Extraordinary and Minister Plenipotentiary at The Hague, Second Delegate Plenipotentiary;
- Captain Alexander Sturdza, General Staff, Technical Delegate.

Russia:

- His Excellency M. Nélidow, Privy Councillor, Russian Ambassador at Paris, Delegate Plenipotentiary;
- His Excellency M. de Martens, Privy Councillor, Permanent Member of the Council of the Imperial Ministry for Foreign Affairs, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;

Russia—Continued.

- His Excellency M. Tcharykow, Councillor of State, Chamberlain; Envoy Extraordinary and Minister Plenipotentiary at The Hague, Delegate Plenipotentiary;
 M. Prozor, Councillor of State, Chamberlain, Russian Minister at Rio de Janeiro, Technical Delegate;
 Major-General Yermolow, Military Attaché at London, Technical Delegate;
 Colonel Michelson, Military Attaché at Berlin, Technical Delegate;
 Captain Behr, Naval Attaché at London, Technical Delegate;
 Colonel Ovtchinnikow, of the Admiralty, Professor of International Law at the Naval Academy, Technical Delegate.

Salvador:

- M. Pedro J. Matheu, Chargé d'Affaires at Paris, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
 M. Santiago Perez Triana, Chargé d'Affaires at London, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary.

Servia:

- His Excellency General Sava Grouitch, President of the Council of State, Delegate Plenipotentiary;
 His Excellency M. Milovan Milovanovitch, Envoy Extraordinary and Minister Plenipotentiary at Rome, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
 His Excellency M. Michel Militchévitch, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, Delegate Plenipotentiary.

Siam:

- Major-General Mom Chatidej Udom, Delegate Plenipotentiary;
 M. Corragioni d'Orelli, Councillor of Legation at Paris, Delegate Plenipotentiary;
 Captain Luang Bhuvanarth Narübal, Delegate Plenipotentiary.

Sweden:

- His Excellency M. Knut Hjalmar Leonard de Hammarskjöld, Envoy Extraordinary and Minister Plenipotentiary at Copenhagen, ex-Minister of Justice, Member of the Permanent Court of Arbitration, First Delegate Plenipotentiary;
 M. Johannes Hellner, ex-Minister without Portfolio, ex-Member of the Supreme Court of Sweden, Member of the Permanent Court of Arbitration, Second Delegate Plenipotentiary;
 Colonel David Hedengren, Commanding a Regiment of Artillery, Technical Delegate;
 Commander Gustaf de Klint, Head of a Section on the Staff of the Royal Navy, Technical Delegate.

Switzerland:

- His Excellency M. Gaston Carlin, Envoy Extraordinary and Minister Plenipotentiary at London and The Hague, Delegate Plenipotentiary;
 M. Eugène Borel, Colonel on the General Staff, Professor at the University of Geneva, Delegate Plenipotentiary;
 M. Max Huber, Professor of Law at the University of Zurich, Delegate Plenipotentiary.

Turkey:

- His Excellency Turkhan Pasha, Ambassador Extraordinary, Minister of the Evkaf, First Delegate Plenipotentiary;
 His Excellency Rechid Bey, Turkish Ambassador at Rome, Delegate Plenipotentiary;
 His Excellency Vice-Admiral Mehemmed Pasha, Delegate Plenipotentiary;
 Raif Bey, Legal Adviser on the Civil List, Assistant Delegate;
 Colonel on the Staff Mehemmed Saïd Bey, Assistant Delegate.

Uruguay:

- M. José Batlle y Ordóñez, ex-President of the Republic, Member of the Permanent Court of Arbitration, First Delegate Plenipotentiary;
 His Excellency M. Juan P. Castro, ex-President of the Senate, Envoy Extraordinary and Minister Plenipotentiary at Paris, Member of the Permanent Court of Arbitration, Delegate Plenipotentiary;
 Colonel Sebastian Buquet, Commanding a Regiment of Field Artillery, Technical Delegate.

The United States of Venezuela:

- M. José Gil Fortoul, Chargé d'Affaires at Berlin, Delegate Plenipotentiary.

At a series of meetings, held from the 15th June to the 18th October, 1907, in which the above Delegates were throughout animated by the desire to realize, in the fullest possible measure, the generous views of the august initiator of the Conference and the intentions of their Governments, the Conference drew up for submission for signature by the Plenipotentiaries, the text of the Conventions and of the Declaration enumerated below and annexed to the present Act:—

1. Convention for the Pacific Settlement of International Disputes.
2. Convention respecting the Limitation of the Employment of Force for the Recovery of Contract Debts.
3. Convention relative to the Opening of Hostilities.
4. Convention respecting the Laws and Customs of War on Land.
5. Convention respecting the Rights and Duties of Neutral Powers and Persons in case of War on Land.
6. Convention relative to the Status of Enemy Merchant-ships at the Outbreak of Hostilities.
7. Convention relative to the Conversion of Merchant-ships into War-ships.
8. Convention relative to the laying of Automatic Submarine Contact Mines.
9. Convention respecting Bombardment by Naval Forces in Time of War.
10. Convention for the Adaptation to Naval War of the Principles of the Geneva Convention.
11. Convention relative to certain Restrictions with regard to the Exercise of the Right of Capture in Naval War.
12. Convention relative to the creation of an International Prize Court.
13. Convention concerning the Rights and Duties of Neutral Powers in Naval War.

14. Declaration prohibiting the discharge of Projectiles and Explosives from Balloons.

These Conventions and Declaration shall form so many separate Acts. These Acts shall be dated this day, and may be signed up to the 30th June, 1908, at The Hague, by the Plenipotentiaries of the Powers represented at the Second Peace Conference.

The Conference, actuated by the spirit of mutual agreement and concession characterizing its deliberations, has agreed upon the following Declaration, which, while reserving to each of the Powers represented full liberty of action as regards voting, enables them to affirm the principles which they regard as unanimously admitted:—

It is unanimous—

1. In admitting the principle of compulsory arbitration.
2. In declaring that certain disputes, in particular those relating to the interpretation and application of the provisions of International Agreements, may be submitted to compulsory arbitration without any restriction.

Finally, it is unanimous in proclaiming that, although it has not yet been found feasible to conclude a Convention in this sense, nevertheless the divergences of opinion which have come to light have not exceeded the bounds of judicial controversy, and that, by working together here during the past four months, the collected Powers not only have learnt to understand one another and to draw closer together, but have succeeded in the course of this long collaboration in evolving a very lofty conception of the common welfare of humanity.

The Conference has further unanimously adopted the following Resolution:—

The Second Peace Conference confirms the Resolution adopted by the Conference of 1899 in regard to the limitation of military expenditure; and inasmuch as military expenditure has considerably increased in almost every country since that time, the Conference declares that it is eminently desirable that the Governments should resume the serious examination of this question.

It has besides expressed the following opinions:—

1. The Conference calls the attention of the Signatory Powers to the advisability of adopting the annexed draft Convention for the creation of a Judicial Arbitration Court, and of bringing it into force as soon as an agreement has been reached respecting the selection of the Judges and the constitution of the Court.

2. The Conference expresses the opinion that, in case of war, the responsible authorities, civil as well as military, should make it their special duty to ensure and safeguard the maintenance of pacific relations, more especially of the commercial and industrial relations between the inhabitants of the belligerent States and neutral countries.

3. The Conference expresses the opinion that the Powers should regulate, by special Treaties, the position, as regards military charges, of foreigners residing within their territories.

4. The Conference expresses the opinion that the preparation of regulations relative to the laws and customs of naval war should figure in the programme of the next Conference, and that in any case the Powers may apply, as far as possible, to war by sea the principles of the Convention relative to the Laws and Customs of War on land.

Finally, the Conference recommends to the Powers the assembly of a Third Peace Conference, which might be held within a period corresponding to that which has elapsed since the preceding Conference, at a date to be fixed by common agreement between the Powers, and it calls their attention to the necessity of preparing the programme of this Third Conference a sufficient time in advance to ensure its deliberations being conducted with the necessary authority and expedition.

In order to attain this object the Conference considers that it would be very desirable that, some two years before the probable date of the meeting, a preparatory Committee should be charged by the Governments with the task of collecting the various proposals to be submitted to the Conference, of ascertaining what subjects are ripe for embodiment in an International Regulation, and of preparing a programme which the Governments should decide upon in sufficient time to enable it to be carefully examined by the countries interested. This Committee should further be intrusted with the task of proposing a system of organization and procedure for the Conference itself.

In faith whereof the Plenipotentiaries have signed the present Act and have affixed their seals thereto.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent to all the Powers represented at the Conference.

ANNEX TO THE FIRST OPINION EXPRESSED BY THE SECOND PEACE CONFERENCE.

Draft Convention relative to the Creation of a Judicial Arbitration Court.

PART I.—*Constitution of the Judicial Arbitration Court.*

ARTICLE I.

With a view to promoting the cause of arbitration, the Contracting Powers agree to constitute, without altering the status of the Permanent Court of Arbitration, a Judicial Arbitration Court, of free and easy access, composed of Judges representing the various juridical systems of the world, and capable of insuring continuity in jurisprudence of arbitration.

ARTICLE II.

The Judicial Arbitration Court is composed of Judges and Deputy Judges chosen from persons of the highest moral reputation, and all fulfilling conditions qualifying them, in their respective countries, to occupy high legal posts, or be jurists of recognized competence in matters of international law.

The Judges and Deputy Judges of the Court are appointed, as far as possible, from the members of the Permanent Court of Arbitration. The appointment shall be made within the six months following the ratification of the present Convention.

ARTICLE III.

The Judges and Deputy Judges are appointed for a period of twelve years, counting from the date on which the appointment is notified to the Administrative Council created by the Convention for the Pacific Settlement of International Disputes. Their appointments can be renewed.

Should a Judge or Deputy Judge die or retire, the vacancy is filled in the manner in which his appointment was made. In this case, the appointment is made for a fresh period of twelve years.

ARTICLE IV.

The Judges of the Judicial Arbitration Court are equal and rank according to the date on which their appointment was notified. The Judge who is senior in point of age takes precedence when the date of notification is the same.

The Deputy Judges are assimilated, in the exercise of their functions, with the Judges. They rank, however, below the latter.

ARTICLE V.

The Judges enjoy diplomatic privileges and immunities in the exercise of their functions, outside their own country.

Before taking their seat, the Judges and Deputy Judges must swear, before the Administrative Council, or make a solemn affirmation to exercise their functions impartially and conscientiously.

ARTICLE VI.

The Court annually nominates three Judges to form a special delegation and three more to replace them should the necessity arise. They may be re-elected. They are balloted for. The persons who secure the largest number of votes are considered elected. The delegation itself elects its President, who, in default of a majority, is appointed by lot.

A member of the delegation cannot exercise his duties when the Power which appointed him, or of which he is a national, is one of the parties.

The members of the delegation are to conclude all matters submitted to them, even if the period for which they have been appointed Judges has expired.

ARTICLE VII.

A Judge may not exercise his judicial functions in any case in which he has, in any way whatever, taken part in the decision of a National Tribunal, of a Tribunal of Arbitration, or of a Commission of Inquiry, or has figured in the suit as counsel or advocate for one of the parties.

A Judge cannot act as agent or advocate before the Judicial Arbitration Court or the Permanent Court of Arbitration, before a Special Tribunal of Arbitration or a Commission of Inquiry, nor act for one of the parties in any capacity whatsoever so long as his appointment lasts.

ARTICLE VIII.

The Court elects its President and Vice-President by an absolute majority of the votes cast. After two ballots, the election is made by a bare majority and, in case the votes are even, by lot.

ARTICLE IX.

The Judges of the Judicial Arbitration Court receive an annual salary of 6,000 Netherland florins. This salary is paid at the end of each half-year, reckoned from the date on which the Court meets for the first time.

In the exercise of their duties during the sessions or in the special cases covered by the present Convention, they receive the sum of 100 florins per diem. They are further entitled to receive a travelling allowance fixed in accordance with Regulations existing in their own country. The provisions of the present paragraph are applicable also to a Deputy Judge when acting for a Judge.

These emoluments are included in the general expenses of the Court dealt with in Article XXXI, and are paid through the International Bureau created by the Convention for the Pacific Settlement of International Disputes.

ARTICLE X.

The Judges may not accept from their own Government or from that of any other Power any remuneration for services connected with their duties in their capacity of members of the Court.

ARTICLE XI.

The seat of the Judicial Court of Arbitration is at The Hague, and cannot be transferred, unless absolutely obliged by circumstances, elsewhere.

The delegation may choose, with the assent of the parties concerned, another site for its meetings, if special circumstances render such a step necessary.

ARTICLE XII.

The Administrative Council fulfills with regard to the Judicial Court of Arbitration the same functions as to the Permanent Court of Arbitration.

ARTICLE XIII.

The International Bureau acts as registry to the Judicial Court of Arbitration, and must place its offices and staff at the disposal of the Court. It has charge of the archives and carries out the administrative work.

The Secretary-General of the Bureau discharges the functions of Registrar.

The necessary secretaries to assist the Registrar, translators and shorthand writers are appointed and sworn in by the Court.

ARTICLE XIV.

The Court meets in session once a year. The session opens the third Wednesday in June and lasts until all the business on the agenda has been transacted.

The Court does not meet in session if the delegation considers that such meeting is unnecessary. However, when a Power is party in a case actually pending before the Court, the pleadings in which are closed, or about to be closed, it may insist that the session should be held.

When necessary, the delegation may summon the Court in extraordinary session.

ARTICLE XV.

A Report of the doings of the Court shall be drawn up every year by the delegation. This Report shall be forwarded to the Contracting Powers through the International Bureau. It shall also be communicated to the Judges and Deputy Judges of the Court.

ARTICLE XVI.

The Judges and Deputy Judges, members of the Judicial Arbitration Court, can also exercise the functions of Judge and Deputy Judge in the International Prize Court.

PART II.—*Competency and Procedure.*

ARTICLE XVII.

The Judicial Court of Arbitration is competent to deal with all cases submitted to it, in virtue either of a general undertaking to have recourse to arbitration or of a special agreement.

ARTICLE XVIII.

The delegation is competent—

1. To decide the arbitrations referred to in the preceding Article, if the parties concerned are agreed that the summary procedure, laid down in Part IV, Chapter IV, of the Convention for the Pacific Settlement of International Disputes is to be applied;

2. To hold an inquiry under and in accordance with Part III of the said Convention, in so far as the delegation is intrusted with such inquiry by the parties acting in common agreement. With the assent of the parties concerned, and as an exception to Article VII, paragraph 1, the members of the delegation who have taken part in the inquiry may sit as Judges, if the case in dispute is submitted to the arbitration of the Court or of the delegation itself.

ARTICLE XIX.

The delegation is also competent to settle the *Compromis* referred to in Article LII of the Convention for the Pacific Settlement of International Disputes if the parties are agreed to leave it to the Court.

It is equally competent to do so, even when the request is only made by one of the parties concerned, if all attempts have failed to reach an understanding through the diplomatic channel, in the case of—

1. A dispute covered by a general Treaty of Arbitration concluded or renewed after the present Convention has come into force, providing for a *Compromis* in all disputes, and not either explicitly or implicitly excluding the settlement of the *Compromis* from the competence of the delegation. Recourse cannot, however, be had to the Court if the other party declares that in its opinion the dispute does not belong to the category of questions to be submitted to compulsory arbitration, unless the Treaty of Arbitration confers upon the Arbitration Tribunal the power of deciding this preliminary question.

2. A dispute arising from contract debts claimed from one Power by another Power as due to its nationals, and for the settlement of which the offer of arbitration has been accepted. This arrangement is not applicable if acceptance is subject to the condition that the *Compromis* should be settled in some other way.

ARTICLE XX.

Each of the parties concerned may nominate a Judge of the Court to take part, with power to vote, in the examination of the case submitted to the delegation.

If the delegation acts as a Commission of Enquiry, this task may be intrusted to persons other than the Judges of the Court. The travelling expenses and remuneration to be given to the said persons are fixed and borne by the Powers appointing them.

ARTICLE XXI.

The Contracting Powers only may have access to the Judicial Arbitration Court set up by the present Convention.

ARTICLE XXII.

The Judicial Court of Arbitration follows the rules of procedure laid down in the Convention for the Pacific Settlement of International Disputes, except in so far as the procedure is laid down in the present Convention.

ARTICLE XXIII.

The Court determines what language it will itself use and what languages may be used before it.

ARTICLE XXIV.

The International Bureau serves as channel for all communications to be made to the Judges during the interchange of pleadings provided for in Article LXIII, paragraph 2, of the Convention for the Pacific Settlement of International Disputes.

ARTICLE XXV.

For all notices to be served, in particular on the parties, witnesses, or experts, the Court may apply direct to the Government of the State on whose territory the service is to be carried out. The same rule applies in the case of steps being taken to procure evidence.

The requests addressed for this purpose can only be rejected when the Power applied to considers them likely to impair its sovereign rights or its safety. If the request is complied with, the fees charged must only comprise the expenses actually incurred.

The Court is equally entitled to act through the Power on whose territory it sits.

Notices to be given to parties in the place where the Court sits may be served through the International Bureau.

ARTICLE XXVI.

The discussions are under the control of the President or Vice-President, or, in case they are absent or cannot act, of the senior Judge present.

The Judge appointed by one of the parties cannot preside.

ARTICLE XXVII.

The Court considers its decisions in private, and the proceedings are secret.

All decisions are arrived at by a majority of the Judges present. If the number of Judges is even and equally divided, the vote of the junior Judge, in the order of precedence laid down in Article IV, paragraph 1, is not counted.

ARTICLE XXVIII.

The judgment of the Court must give the reasons on which it is based. It contains the names of the Judges taking part in it; it is signed by the President and Registrar.

ARTICLE XXIX.

Each party pays its own costs and an equal share of the costs of the trial.

ARTICLE XXX.

The provisions of Articles XXI to XXIX are applicable by analogy to the procedure before the delegation.

When the right of attaching a member to the delegation has been exercised by one of the parties only, the vote of the member attached is not recorded if the votes are evenly divided.

ARTICLE XXXI.

The general expenses of the Court are borne by the Contracting Powers.

The Administrative Council applies to the Powers to obtain the funds requisite for the working of the Court.

ARTICLE XXXII.

The Court itself draws up its own rules of procedure, which must be communicated to the Contracting Powers.

After the ratification of the present Convention the Court shall meet as early as possible in order to elaborate these rules, elect the President and Vice-President, and appoint the members of the delegation.

ARTICLE XXXIII.

The Court may propose modifications in the provisions of the present Convention concerning procedure. These proposals are communicated through the Netherland Government to the Contracting Powers, which will consider together as to the measures to be taken.

PART III.—*Final Provisions.*

ARTICLE XXXIV.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

A *procès-verbal* of the deposit of each ratification shall be drawn up, of which a duly certified copy shall be sent through the diplomatic channel to all the Signatory Powers.

ARTICLE XXXV.

The Convention shall come into force six months after its ratification.

It shall remain in force for twelve years, and shall be tacitly renewed for periods of twelve years, unless denounced.

The denunciation must be notified, at least two years before the expiration of each period, to the Netherland Government, which will inform the other Powers.

The denunciation shall only have effect in regard to the notifying Power. The Convention shall continue in force as far as the other Powers are concerned.

RESERVATIONS.

- I. America.—Under reservation of the declaration made in the plenary session of the Conference of October 16, 1907.
- Brazil.—With reservation as to article 53, paragraphs 2, 3, and 4.
- Chile.—Under reservation of the Declaration formulated with regard to article 39 in the seventh session of October 7 of the First Commission.
- Greece.—With reservation of paragraph 2 of article 53.
- II. Argentina.—The Argentine Republic makes the following reservations:
1. With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign government, recourse shall not be had to arbitration except in the specific case of a denial of justice by the courts of the country where the contract was made, the remedies before which courts must first have been exhausted.
 2. Public loans, secured by bond issues and constituting the national debt, shall in no case give rise to military aggression or the material occupation of the soil of American nations.
- Bolivia.—With the reservation stated to the First Commission.
- Colombia.—Colombia makes the following reservations: She does not agree to the employment of force in any case for the recovery of debts, whatever be their nature. She accepts arbitration only after a final decision has been rendered by the courts of the debtor nations.
- Dominican Republic.—With the reservation made at the plenary session of October 16, 1907.
- Greece.—With the reservation made at the plenary session of October 16, 1907.
- Guatemala.—
1. With regard to debts arising from ordinary contracts between the citizens or subjects of a nation and a foreign government, recourse shall be had to arbitration only in case of a denial of justice by the courts of the country where the contract was made, the remedies before which courts must first have been exhausted.
 2. Public loans secured by bond issues and constituting national debts shall in no case give rise to military aggression or the material occupation of the soil of American nations.
- Peru.—With the reservation that the principles laid down in this Convention shall not be applicable to claims or differences arising from contracts concluded by a country with foreign subjects when it has been expressly stipulated in these contracts that the claims or differences must be submitted to the judges or courts of the country.
- III. Salvador.—We make the same reservations as the Argentine Republic above.

Uruguay.—Under reservation of the first paragraph of article 1, because the Delegation considers that arbitration may always be refused as a matter of right if the fundamental law of the debtor nation, prior to the contract which has given rise to the doubts or disputes, or this contract itself, has stipulated that such doubts or disputes shall be settled by the courts of the said nation.

IV. Montenegro.—With the reservations formulated in article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

Russia.—With the reservations formulated in article 44 of the Regulations annexed to the present Convention and contained in the minutes of the fourth plenary session of August 17, 1907.

V. Argentina.—The Argentine Republic makes reservation of article 19.

VI. Russia.—With the reservations formulated in article 3 and article 4, paragraph 2, of the present Convention, and embodied in the minutes of the seventh plenary session of September 27, 1907.

VIII. Dominican Republic.—With reservation as to the first paragraph of article 1.

Siam.—With reservation of article 1, paragraph 1.

IX. Chile.—With reservation of article 3, formulated during the fourth plenary session of August 17.

X. Persia.—With reservation of the right, recognized by the Conference, to use the Lion and Red Sun instead of and in the place of the Red Cross.

XII. Chile.—With reservation of article 15, formulated at the sixth plenary session of September 21.

Cuba.—With reservation of article 15.

Guatemala.—With the reservations formulated concerning article 15.

Haiti.—With the reservation regarding article 15.

Persia.—With reservation of article 15.

Salvador.—With reservation of article 15.

Siam.—With reservation of article 15.

Uruguay.—With reservation of article 15.

XIII. Dominican Republic.—With reservation regarding article 12.

Persia.—With reservation of articles 12, 19, and 21.

Siam.—With reservation of articles 12, 19, and 23.

XV. With reservations of Wish No. 1, which the Federal Council did not accept.

INTERNATIONAL CONFERENCE FOR THE REGULATION OF THE
TRAFFIC OF SPIRITS IN AFRICA.

SEE PAGE 79.

THIRD INTERNATIONAL SANITARY CONVENTION, MEXICO CITY,
DECEMBER 2-7, 1907.

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CONVENTION FOR THE EXEMPTION OF HOSPITAL SHIPS, IN TIME
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