LIBRARIES
UNIVERSITY OF WISCONSIN–MADISON

Index to the executive documents of the House of Representatives for the second session of the forty-eighth Congress, 1884-'85. 1884/1885

United States Department of State
Washington, D.C.: U.S. Government Printing Office, 1884/1885

https://digital.library.wisc.edu/1711.dl/G5OAT7XT7HRHX84

As a work of the United States government, this material is in the public domain.

For information on re-use see:
http://digital.library.wisc.edu/1711.dl/Copyright

The libraries provide public access to a wide range of material, including online exhibits, digitized collections, archival finding aids, our catalog, online articles, and a growing range of materials in many media.

When possible, we provide rights information in catalog records, finding aids, and other metadata that accompanies collections or items. However, it is always the user's obligation to evaluate copyright and rights issues in light of their own use.

728 State Street | Madison, Wisconsin 53706 | library.wisc.edu

Serials Department
Beloit College Library
Beloit, WI 53511

GOV. DOC.

INDEX

TO THE

EXECUTIVE DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

SECOND SESSION OF THE FORTY-EIGHTH CONGRESS,

1884-'85.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1885.

INDEX TO HOUSE EXECUTIVE DOCUMENTS.

CONTENTS OF THE VOLUMES.

VOL. 1..FOREIGN RELATIONS: No. 1, pt. 1.
VOL. 2..WAR: No. 1, pt. 2, v. 1.
VOL. 3.. ENGINEERS: No. 1, pt. 2, v. 1, pt. 1.
VOL. 4.. ENGINEERS: No. 1, pt 2, v. 2, pt. 2.
VOL. 5.. ENGINEERS: No. 1, pt. 2, v. 2, pt. 3.
VOL. 6.. ENGINEERS: No. 1, pt. 2, v. 2. pt. 4.
VOL. 7.. ORDNANCE: No. 1, pt. 2, v. 3.
VOL. 8.. SIGNAL OFFICE: No. 1, pt. 2, v. 4.
VOL. 9..NAVY: No. 1, pts. 3, vols. 1 and 2.
VOL. 10..POSTMASTER-GENERAL: No. 1, pt. 4.
VOL. 11..INTERIOR: No. 1, pt. 5, v. 1.
VOL. 12.. No. 1, pt. 5, v. 2.
VOL. 13.. No. 1, pt. 5, v. 3.
VOL. 14.. No. 1, pt. 5, v. 4.
VOL. 15..No. 1, pt. 6, and Nos. 6, 8, 9, inclusive, except No. 7.
VOL. 16..No. 2.
VOL. 17..Nos. 3 and 4.
VOL. 18..Nos. 5, 115, 196, and 270.
VOL. 19..No. 7.
VOL. 20..No. 7, pts. 2 and 3.
VOL. 21..Nos. 10 to 64, inclusive, except Nos. 43, 44, and 54.
VOL. 22..No. 43.
VOL. 23..No. 44.
VOL. 24..No. 54, pt. 1.
VOL. 25..No. 54, pt. 2.
VOL. 26..No 54, pt. 3.
VOL. 27..Nos. 65 to 175, inclusive, except No. 115.
Vol. 28..Nos. 176 to 225, inclusive, except No. 196.
VOL. 29..Nos. 226 to 267, inclusive, except Nos. 235, 248, and 266.
VOL. 30..No. 235.
VOL. 31..No. 248.
VOL. 32..No. 266.
VOL. 33..No. 268.
VOL. 34..No. 269.

INDEX TO THE DOCUMENTS.

Subject.	Vol.	No.	Part.
A.			
Abescom Station, estimates by Light-House Board of appropriation for	27	142	
Abingdon, Va., letter of Secretary of Treasury relative to appropriation for public building at	27	122	
Adjutant-General, annual report of (vol. 1)	2	1	2
Admiral of the Navy, annual report of (vol. 1)	9	1	3
Advisory Board of the Navy, annual report of (vol. 1)	9	1	3
Agate Bay, Minn., report of engineers on survey of	27	94	
Agricultural Department, report of commission on suppressing diseases among animals	21	46	
Agriculture, report of Commissioner of, for 1885	34	269	
Agriculture, Commissioner of. (*See* Commissioner of Agriculture.)			
Alaska, estimate of appropriation for government of	29	227	
letter of Attorney-General relative to court-house and jail in	29	249	
relative to insane persons	29	250	
letter of Secretary of Treasury relative to public building in	27	171	
relative to pay of civil officers in	28	189	
relative to appropriation for enforcement of laws in	29	252	
Alert (steamer), message of President recommending return to Great Britain	27	162	
American and Haytien Claims Commission, estimates for expenses of	27	106	

Subject.	Vol.	No.	Part.
Animals (domestic). (*See also* Cattle.)			
report of Commissioner of Agriculture on suppressing diseases among	21	46	
Annals of the War. (*See* Records of the Rebellion.)			
Appropriations:			
Letter from the Secretary of the Treasury—			
transmitting estimates of appropriations for year ending June, 1886	18	5	
transmitting deficiency estimates for current year	18	115	
asking for an increased appropriation for printing national bank notes	21	22	
in relation to an appropriation for removal and storage of material at the Government Printing Office	21	23	
transmitting supplemental estimates for appropriations	18	196	
transmitting supplemental estimates for Indian service	21	26	
Army, annual report of Adjutant General (vol. 1)	2	1	2
appointments to, petition of cadets at Military Academy relative to civilian	21	62	
assistant surgeons, petitions relative to issuing commissions to	29	230	
contingent expenditures, report of the Secretary of War on	27	85	
education in, annual report of officer in charge of (vol. 1)	2	1	2
infantry, petition of officers for reorganization of	27 29	168 251	
Ordnance, annual report of Chief of (vol. 3)	7	1	2
Ashland Harbor, Wis., report of engineers on survey of	27	89	
Ashuelot (U. S. S.), letter of Secretary of Treasury relating to paying damages for collision with	28	195	
Assistant surgeons. (*See* Army.)			
Attorney-General. (*See also* Department of Justice.)			
Annual report	21	12	
Report on amounts available for expenses of United States courts	28	198	
Letters from, relative to—			
Alaska, relative to court-house and jail in	29	249	
relative to insane persons	29	250	
Appropriations, relative to appropriations for transcribing records and making tabular statements of accounts in United States courts	29	242	
relative to appropriations for publishing opinions of Attorneys-General	29	245	
Court officers' fees, relative to	29	239	
Fort Smith, Ark., relative to jail at	29	265	
Stenographers, relative to payment of, in suit of Kilbourn *vs.* Thompson	21	59	
Auditor of the Treasury for the Post-Office Department, annual report of	10	1	4
Auditors of Treasury Department. (*See* under respective numbers.)			
Augur, Brig. Gen., C. C., annual report of (vol. 1)	2	1	2
B.			
Bangkok, Siam, estimate for repairing premises for United States legation at	27	148	
Barren River, Kentucky, report of engineers on survey of	28	212	
Bayou Bartholomew, report of engineers on survey of	27	147	
Bœuf River, report of engineers on survey of	27	99	
Bogue Sound, report of engineers on survey of	29	258	
Boston, Mass., letter of Secretary of Treasury on additional appropriation for public building at	27	164	
Bradley, Col. L. P., annual report of (vol. 1)	2	1	2
Buenos Ayres, letter from Secretary of State relative to consul at	27	67	
Bureau of Catholic Missions, letter of Secretary of Interior relative to an appropriation for	21	25	

Subject.	Vol.	No.	Part.
Bureau of Construction and Repair, annual report (vol. 1)	9	1	3
Bureau of Equipment and Recruiting, annual report (vol. 1)	9	1	3
Bureau of Labor Statistics, letter from Secretary of Treasury relative to appropriation for	28	190	
Bureau of Medicine and Surgery, annual report of (vol. 2)	9	1	3
Bureau of Navigation, annual report (vol. 1)	9	1	3
Bureau of Ordnance, annual report (vol. 1)	9	1	3
Bureau of Provisions and Clothing, annual report (vol. 1)	9	1	3
Bureau of Statistics, report of Chief of, on foreign commerce	19	7	
Bureau of Steam Engineering, annual report (vol. 1)	9	1	3
Bureau of Yards and Docks, annual report (vol. 1)	9	1	3
Burlington Bay, Minn., report of engineers on survey of	27	94	
C.			
California and Oregon Railroad, message of President relative to appointment of commissioners to examine	29	255	
Calumet, Ill., report of engineer on changes in shore line at	21	36	
Cape May, N. J., estimate by Light-House Board of appropriation for	27	142	
Captain & Co., letter of Secretary of Treasury relative to claim of	27	77	
Carter, James R., estimate to pay claim of	28	213	
Cashie River, report of engineers on survey of	29	263	
Cattle, report of Secretary of Treasury on ranch and range cattle traffic	29	267	
Central America, letter of Secretary of Navy relative to assistance rendered destitute American citizens in	29	256	
Charleston, W. Va., letter of Secretary of Treasury on additional appropriation for public building at	28	185	
Cherokees. (*See* Indians.)			
Chief of Engineers, relative to harbor of refuge at Sandy Bay, Mass.	21	55	
report relative to condition of Falls of Saint Anthony	21	61	
Chief of Ordnance, annual report of (vol. 3)	7	1	2
Chincoteague Bay, Virginia, report of engineers in relation to survey of	27	107	
Chinese immigration, letter of Secretary of Treasury on regulations restricting	28	214	
Civil Service Commission, annual report of	28	207	
Civilian appointments in Army. (*See* Army.)			
Claims, abstract showing character and amount of all claims reported since February 20, 1884, for depredations committed by Indians	21	20	
letter from Secretary of Treasury giving list allowed by accounting officers of the Treasury	21	55	
letter of Secretary of Treasury giving schedule of claims allowed under exhausted appropriations	27	153	
list of claims of postmasters allowed and disallowed from December 1, 1883, to December 1, 1884	21	21	
list of claims arising under act of July 4, 1864	27	119	
Cleveland, Ohio, letter from Secretary of Treasury relative to appropriation for public building at	27	164	
report of engineers on harbor at	27	116	
Clinton River, Michigan, report of engineers on survey of	28	210	
Coast and Geodetic Survey, annual report for 1884	22	43	
letter from the Secretary of the Treasury transmitting statement showing expenditures made on account of	21	52	
Coasters' Harbor Island, estimate for erecting buildings on	27	76	
Cœur D'Alene Lake, report of engineers on survey of	28	178	
Coins and coinage, letter of Secretary of the Treasury relative to transportation and storage of silver dollars	27	146	
report of Secretary of Treasury relative to banks refusing silver dollars and silver certificates	28	201	

Subject.	Vol.	No.	Part.
Collectors of internal revenue. (*See* Internal-revenue collectors.)			
Collisions at sea. (*See* Vessels.)			
Columbus, Ohio, letter of Secretary of the Treasury relative to additional appropriations for public building at	27	130	
Commerce and navigation, report of the Chief of the Bureau of Statistics on foreign	19	7	
internal commerce	20	7	2, 3
message of the President in reference to international regulations for preventing collisions at sea	21	19	
Commissary-General of Subsistence, annual report of (vol. 1)	2	1	2
Commissioner of Agriculture, annual report of, for 1884	28	178	
1885	34	269	
letter from, transmitting report of commission on suppressing diseases among domestic cattle	21	46	
Customs, annual report of	16	2	
Education, annual report of (vol. 4)	14	1	5
General Land Office, annual report of (vol. 1)	11	1	5
Indian Affairs, annual report of (vol. 2)	12	1	5
Internal Revenue, annual report of	16	2	
	17	4	
Pensions, annual report of (vol. 1)	11	1	5
Railroads, annual report of (vol. 1)	11	1	5
Commissioners of the District of Columbia, annual report of the	15	1	6
Compasses, letter of Secretary of the Navy relative to establishing stations for determining errors in	29	233	
Comptroller of the Currency, annual report of the	16	2	
	17	3	
Congaree River, report of engineers on survey of	29	254	
Congo Conference, report of Secretary of State relative to	27	156	
	29	247	
Consular and Diplomatic Service, report of Secretary of State on consular service	27	65	
letter of Secretary of State relative to consul at Buenos Ayres	27	67	
Consuls, annual reports on labor in Europe from United States	24	54	1
	25	54	2
	26	54	3
Contractors. (*See* Postal service.)			
Corea, estimate for purchasing premises for United States legation at	27	148	
letter of Secretary of State relative to detailing Army officers for military instructors in	27	163	
Cotton Centennial Exposition. (*See* New Orleans Exposition.)			
Council Bluffs, Iowa, letter from Secretary of Treasury relative to additional appropriation for public building at	27	145	
Court of Claims, letter relative to an appropriation for printing for	27	167	
report of Secretary of Treasury on unpaid judgments of	29	236	
Court officers, letter from Attorney-General relative to fees of	29	239	
Courts of United States:			
Appropriations for, report of Attorney-General on amount available	28	198	
Court records, letter of Attorney-General relative to appropriation for transcribing	29	242	
Officers of, letter relative to substituting salaries for fees	29	239	
Crook, Brig. Gen. George, annual report of (vol. 1)	2	1	2
Currency, Comptroller of, annual report of	16	2	
	17	3	
Customs, annual report of the Commissioner of	16	2	
Customs duties. (*See also* Import duties.)			
Annual report of refunds	27	152	
Customs officers, annual report on emoluments of	29	231	
Customs revenue, letter from Secretary of Treasury giving estimate of cost of collecting	21	34	
Cypress Bayou, report of engineers on improving	27	103	

Subject.	Vol.	No.	Part.
D.			
Dams, report of engineers on system of movable	27	95	
Darien Harbor, Georgia, report of engineers on survey of	29	260	
David's Island, New York, estimate for sea-wall around	28	205	
Deer Creek, Mississippi, report of engineers on survey of	27	132	
Deficiency appropriations. (*See* Appropriations.)			
Deficiency estimates, letter from Secretary of Treasury transmitting estimates for current year	18	115	
Department of Justice:			
Letter of Attorney-General relative to appropriation for transcribing court records	29	242	
Department of State:			
Estimate of deficiency appropriation for printing and binding	21	51	
Estimate to purchase history of the Department	27	110	
Statement of disbursements of the contingent fund for the year ending June 30, 1884	21	33	
Deputy marshals. (*See* Elections.)			
Des Moines, Iowa, letter of Secretary of Treasury relative to extending public building at	27	128	
Detroit River, estimate for completing light-house and fog-signal at mouth of	27	68	
Devil's Lake Indian Reservation. (*See* Indians.)			
Director of the Mint, annual report of	16	2	
on production of precious metals	33	268	
Distilled spirits, letter from Secretary of Treasury on entry and withdrawal from warehouses of	27	92	
District of Columbia, annual report of the Commissioners of	15	1	6
Estimate of appropriations from Commissioners for extra policemen	21	50	
Estimates of appropriations from the Commissioners to maintain public order in	27	81	
Letter from Secretary of Treasury in reference to additional estimates for appropriations for charitable institutions in	21	37	
Druid (schooner), estimate from Secretary of Navy for paying damages to	21	24	
Dubuque, Iowa, letter of Secretary of Treasury relative to additional appropriation for public building at	27	125	
Du Pont, S. F., letter from Secretary of War relative to unveiling statue of	21	41	
E.			
Ecuador, report of Secretary of State on arrest of Julio R. Santos in	27 29 29	161 257 262	
Education, annual report of Commissioner of (vol. 4)	14	1	5
report of officer in charge of same in Army (vol. 1)	2	1	2
Elections, report of Secretary of Treasury on expenditures for supervisors and deputy marshals in	29	246	
Elliott, George F., letter of the Secretary of Treasury in reference to relief of sureties of	21	30	
Engineers, annual report of Chief of, in four parts—			
(Vol. 2, part 1)	3	1	2
(Vol. 2, part 2)	4	1	2
(Vol. 2, part 3)	5	1	2
(Vol. 2, part 3)	6	1	2
Envelopes. (*See* Postal service.)			
F.			
Falls of Saint Anthony, report of Secretary of War on condition of.	21	61	
Fees. (*See* Courts of the United States.)			
Fifth Auditor of Treasury Department, annual report of	16	2	

Subject.	Vol.	No.	Part.
First Assistant Postmaster-General, annual report of	10	1	4
First Auditor of Treasury Department, annual report of	16	2	
First Comptroller, annual report of	16	2	
annual report of Treasurer on accounts settled by	15	9	
Flathead Indian Reservation. (*See* Indians.)			
Foreign commerce. (*See* Commerce and Navigation.)			
Foreign mail service, report of superintendent of	10	1	4
Foreign relations of the United States, papers relating to	1	1	1
Forest Grove, Oreg., estimate for Indian school at	27	127	
Fort Monroe, estimate for purchase of additional land at	27	87	
Fort Point, Boston Harbor, Massachusetts, report of engineers on survey of channel at	28	206	
Fort Smith, Ark., letter of Attorney-Goneral relative to jail at	29	265	
Fort Wayne, Ind., letter from Secretary of Treasury relative to an increased limit of cost of public building at	27	158	
Fourth Auditor of Treasury Department, annual report of	16	2	
French and American Claims Commission:			
Report of Secretary of State relative to	27	144	
	30	235	
	31	248	
French spoliation claims, estimate of expenses for obtaining	27	140	
G.			
General Land Office, annual report of Commissioner of (vol. 1)	11	1	5
Geographical Congress, report on the Third, held at Venice, Italy	18	270	
Geological Survey, annual report of Director of (vol. 3)	13	1	5
Georgia Shoals, Massachusetts, letter of Secretary of Treasury relative to examining	29	232	
Gibbon, Col. John, annual report of (vol. 1)	2	1	2
Gloucester, Mass., report of engineers on survey of harbor at	27	169	
Government Printing Office, letter of Secretary of Treasury asking an appropriation for removal and storage of material at	21	23	
Grant & Co., letter of Secretary of Treasury relative to paying interest on judgment in favor of	29	244	
Greely Relief Expedition, message of President recommending return of steamer Alert to Great Britain	27	162	
Green River, Kentucky, report of engineers on survey of	28	212	
Gun factory, estimates of Secretary of Navy for erection of	27	70	
Guttenberg, Iowa, report of engineers on survey of Miss ssippi River, near	28	184	
H.			
Hampton Institute, Virginia, letter of Secretary of Treasury relative to appropriations for	27	159	
Hancock, Maj. Gen. W. S., annual report of (vol. 1)	2	1	2
Harbors of Refuge:			
Letter from Chief of Engineers relative to construction of one at Sandy Bay, Mass	21	55	
Report of engineers on survey for one at Ludington, Mich	27	74	
Harrisonburg, Va., letter from Secretary of Treasury relative to public building at	21	49	
letter of Secretary of Treasury relative to appropriation for public building at	27	122	
Hell Gate, New York, report of Secretary of War on application of appropriation for improvement of	21	53	
Hingham Harbor, Massachusetts, report of engineers on survey of	27	137	
Hot Springs, Ark., estimates for completion of Army and Navy hospital at	27	165	
estimates for improvements at	28	194	
Huntington, N. Y., report of engineers on survey of	28	200	
Hyannis, Mass., report of engineers on survey of harbor at	27	96	

Subject.	Vol.	No.	Part.
I.			
Import duties, annual report of refunds	27	152	
Indian Affairs, annual report of Commissioner (vol. 2)	12	1	5
Indian Bureau, report on open market expenditures	21	18	
estimate of deficiency appropriations for	21	45	
supplementary estimates of appropriations for	21	26	
Indian Department, tabular statements of disbursements made for year ending June 30, 1884	15	6	
Indian depredation claims, abstract showing nature and amount of all claims reported since February 20, 1884	21	20	
report of Secretary of Interior on	27	86	
supplemental report No. 2 on	28	182	
No. 3 on	28	197	
Indian schools, estimate of appropriation for school at Flathead Agency	27	69	
estimate for appropriation for school at Forest Grove, Oreg	27	127	
letter from the Secretary of Interior relative to disbursement of funds for support of	21	38	
letter of Secretary of Treasury relative to purchasing property for	27	100	
Indians, Cherokees, estimates for removing Eastern band of	28	208	
Devil's Lake Reservation, letter from Secretary of Interior relative to granting right of way to Jamestown and Northern Railroad through	21	31	
Flathead Reservation, letter of Secretary of Interior relative to an appropriation for Catholic mission schools	21	29	
Mescalero Reservation, letter from Secretary of Treasury relative to purchase of improvements within	27	124	
Nez Percé, estimate for removal of	27	88	
Omaha, estimate to pay expenses of selling lands	27	129	
Osage, letter of Secretary of Treasury relative to claim of Captain & Co. for supplies furnished to	27	77	
Zuñi Reservation, letter from Secretary of Interior relative to claims to portions of	21	11	
Infantry. (*See* Army.)			
Iron-clads. (*See* Navy.)			
Inspector-General, annual report of (vol. 1)	2	1	2
Inspector-General's Department, message from President returning bill (H. R. 1017) relative to	27	155	
Interior Department, statement of the expenditure of the contingent funds of the several buureas of the	21	17	
Interior, Secretary of. (*See* Secretary of the Interior.)			
Internal commerce	20	7	2, 3
Internal Revenue, annual report of Commissioner of	16	2	
	17	4	
Internal-revenue collectors, estimates to pay certain	27	123	
Internal-revenue taxes, letter of Secretary of Treasury relative to commissions withheld from purchasers of private die-stamps	27	83	
International Geographical Congress. (*See* Venice.)			
International Meridian Conference, report of proceedings of	21	14	
Iquique, Peru, letter of Secretary of State relative to burning of consulate at	28	177	
J.			
Jamestown and Northern Railroad, letter of Secretary of Interior relative to right of way through Devil's Lake Indian Reservation to	21	31	
Japan, estimates of appropriation to pay interpreter of United States legation in	28	217	
message of President relative to donation of ground for United States legation in	28	187	

Subject.	Vol.	No.	Part.
Jefferson City, Mo., letter of Secretary of Treasury on increasing appropriation for public building at	27	166	
Judge-Advocate General, annual report of (vol. 1)	2	1	2
K.			
Kansas City, Mo., letter of Secretary of Treasury on additional appropriation for public building at	27	164	
Ker, W. W., letter of Secretary of Treasury relative to paying, for services	29	237	
Key West, Fla., letter from Secretary of Treasury relative to establishing range-light at	21	58	
Kilbourn, Hallett, letter of Attorney-General relative to paying stenographers in suit of	21	59	
L.			
Labor in Europe, reports of United States consuls on	24	54	1
	25	54	2
	26	54	3
Lac la Belle Harbor, Michigan, report of engineers on survey of	27	89	
Lake Champlain, New York, report of engineers on survey of, near Four Channels	28	211	
Land laws, estimate of appropriations from Secretary of Treasury for printing	21	28	
Lawrenceburg, Ind., report of engineers on survey of harbor at	27	154	
Lewis River, report of engineers on survey of	27	174	
Light-House Board, letter recommending establishment of a range-light at Key West, Fla	21	58	
letter relative to burning of light-house tender Lily	21	60	
estimate for completing light-house at mouth of Detroit River	27	68	
Lights, estimate for completing light-house at mouth of Detroit River	27	68	
estimate of appropriation for Abescom and Cape May stations	27	142	
report of Secretary of Treasury relative to additional, in Narraganset Bay	27	112	
Lily (light-house tender):			
Letter of Secretary of Treasury relative to burning of	21	60	
Claims for losses by burning of	27	105	
Longitude. (*See* International Meridian Congress.)			
Louisville, Ky., letter from Secretary of Treasury on additional appropriation for public building at	28	188	
Ludington, Mich., report of engineers on survey of harbor at	27	74	
M.			
Mail contractors. (*See* Postal service.)			
Mail contracts. (*See* Postal service.)			
Malo, J. T., estimate of appropriation to pay	29	240	
Marine Corps, report of the commandant (vol. 1)	9	1	3
Meridian. (*See* International Meridian Conference.)			
Merritt, Col. W., annual report of (vol. 1)	2	1	2
Mescalero Indian Reservation. (*See* Indians.)			
Messageries Maritime Ship Company, estimate to pay claim of	27	120	
Miles, Brig. Gen. N. A., annual report of (vol. 1)	2	1	1
abstract of the militia force of the United States	27	170	
Militia, reports on (vol. 1)	2	1	2
Military Academy, West Point, report of Board of Visitors to (vol. 1)	2	1	2
estimates for building quarters at	27	109	
petition of cadets relative to civilian appointments to Army	21	62	
Military establishment, statement of expenditures from the appropriation for the contingent expenses of the	27	85	

Subject.	Vol.	No.	Part.
Military prison, reports on (vol. 1)	2	1	2
Minneapolis, Minn., letter of Secretary of Treasury relative to appropriation for public building at	27	121	
Mint, annual report of the Director of the	16	2	
production of precious metals	33	268	
Mississippi River, report of engineers on survey near Guttenberg, Iowa	28	184	
Mississippi River Commission, annual report for 1884 of the	21	64	
Missouri, Kansas and Pacific Railroad, papers in claim of	28	216	
Mobile, Ala., report of engineers on survey of river and harbor at	27	139	
Monahan, Thomas, report of Secretary of State on arrest in Mexico of	27	151	
Money-order system, annual report of Superintendent of the	10	1	4
N.			
Napa River, report of engineers on survey of	29	261	
Narraganset Bay, Rhode Island, report of Secretary of Treasury relative to additional lights in	27	112	
Natalbany River, Louisiana, report of engineers on survey of	27	113	
National bank notes, supplementary estimate of Secretary of the Treasury for printing	21	22	
National Board of Health, annual report for 1884	28	176	
Naval Academy, annual report of the superintendent of (vol. 1)	9	1	3
report of Secretary of Navy on death of F. S. Strang at	27	80	
Naval Advisory Board, letter of Secretary of Navy on expenditures of	28	220	
Naval Observatory, estimates for contingent expenses of	27	108	
Navy: annual report of the Surgeon-General of the (vol 2)	9	1	3
letter from Secretary of Treasury transmitting estimates to pay contractors for use of yards by iron-clads of	27	82	
Bureau of Medicine and Surgery (vol. 2)	9	1	3
acting rear-admirals: report of Secretary of Navy on power to appoint	21	47	
vessels for: letter from Secretary relative to appropriation for machinery for new cruisers	28	223	
Navy Department:			
Annual report on civil employés of	21	63	
Estimate of appropriation for additional messenger in	21	39	
of appropriations for gun factory for	27	70	
Statement of the expenditures of contingent funds for 1884 for	27	118	
Navy, Secretary of. (*See* Secretary of the Navy.)			
Navy-yard, letter from Secretary of Treasury transmitting estimates for buildings at Norfolk, Va	27	126	
New England Transportation Company, estimate to pay damages for collision with steamer Talapoosa	27	131	
New Orleans Exposition:			
Estimate of expenses for naval vessels in attendance at	27	101	
Estimates for additional appropriation for	28	218	
Message of President relative to additional appropriation for	28	219	
New York City, report of Secretary of War on improvements of harbor of	27	78	
Nez Percé Indians. (*See* Indians.)			
Norfolk navy-yard, estimate for buildings at	27	126	
O.			
Ohio River, report of engineers on survey of bar opposite mouth of Licking River	29	253	
Omahas. (*See* Indians.)			
Ordnance, annual report of Chief of (vol. 3)	7	1	2
Osages. (*See* Indians.)			
Otis, Col. E., annual report of (vol. 1)	2	1	2

Subject.	Vol.	No.	Part.
P.			
Pasquotank River, report of engineers on survey of	27	98	
Pawcatuck River, Rhode Island, report of engineers on survey of	28	183	
Paymaster-General, annual report of (vol 1)	2	1	2
Penalty envelopes, estimates for purchase of	27	117	
Pensacola, Fla., report of engineers on survey of harbor at	28	224	
Pension attorneys, report of Secretary of Interior on fees of	21	40	
Pension Office building, estimates for gas pipes for	28	209	
of appropriation for completion of	29	228	
Pensions, annual report of Commissioner of (vol. 1)	11	1	5
Pleuro-pneumonia. (*See* Animals.)			
Pocomoke River, report of engineers on survey of	28	186	
Point Barrow Expedition, report of Secretary of War on	23	44	
Pope, Maj. Gen. John, annual report of (vol. 1)	2	1	2
Porter, Fitz-John, message from President with copy of appeal of	27	175	
Portsmouth, N. H., report of engineers on survey of harbor at	27	91	
Postage stamps, letter of Postmaster-General relative to bids for	28	202	
Postal service, annual report of proposals accepted	32	266	
special	32	266	
on additional allowances made to contractors	32	266	
estimates of the appropriations for year ending June 30, 1886	10	1	4
estimates to supply deficiencies in appropriations for	21	32	
letter from Postmaster-General relative to mail contracts	15	8	
letter of Postmaster-General relative to annulment of contracts for official envelopes	29	264	
Postmaster-General, annual report, in 1 volume, embracing reports of—			
The Postmaster-General	10	1	4
Auditor of the Treasury for the Post-Office Department	10	1	4
Letters from, relative to—			
Appropriations, estimate for deficiency	21	32	
Claims of postmasters, list of claims allowed and disallowed from December 1, 1883, to December 1, 1884	21	21	
Mail service, annual report on contracts made for	32	266	
annual report on additional allowances to, contractors	32	266	
annual report of special	32	266	
Official envelopes relative to annulment of contracts for	29	264	
Penalty envelopes, transmitting estimates for purchase of	27	117	
Post-Office Department, annual report on expenditure of contingent fund	21	35	
Postage stamps, relative to bids for	28	202	
Postmasters, list of claims for loss by burglary, fire, or other causes allowed and disallowed from December 1, 1883, to December 1, 1884	21	21	
Post-Office Department, annual report on expenditure of contingent fund	21	35	
additional estimates of appropriation for money order division	27	143	
estimate for office of Auditor of	27	104	
letter from Postmaster-General relative to purchase of free penalty envelopes	27	117	
letter of Secretary of Treasury relative to paying ante-bellum warrants	28	193	
Poughkeepsie, N. Y., letter from Secretary of Treasury relative to completing public building at	21	57	
Powow River, Massachusetts, report of engineers on survey of	28	179	
Precious metals, annual report on production of	33	268	

Subject.	Vol.	No.	Part.
President of the United States, communications from—			
Annual Message and accompanying documents, second session, Forty-eighth Congress	1	1	1
Alert (steamer), recommending return to Great Britain	27	162	
Civil Service Commission, annual report of	28	207	
California and Oregon Railroad, relative to appointment of commissioners to examine	29	255	
Inspector-General's Department, returning bill (H. R. 1017) relative to	27	155	
National Board of Health, transmitting annual report of	28	176	
New Orleans Exposition, relative to additional appropriation for	28	219	
Porter, Fitz-John, copy of appeal of	27	175	
Union Pacific Railway Company, report of Government directors of	27	79	
Transmits, by message, communications, &c., from—			
Postmaster-General:			
First Assistant Postmaster-General	10	1	4
Second Assistant Postmaster-General	10	1	4
Superintendent of foreign mails	10	1	4
of the money-order system	10	1	4
of Railway Mail Service	10	1	4
Third Assistant Postmaster-General	10	1	4
Topographer of the Post-Office Department	10	1	4
Secretary of Navy:			
Acting rear admirals, relative to appointment of	21	47	
Secretary of State:			
Buenos Ayres, relative to consul at	27	67	
Collisions at sea, report in regard to preventing	21	19	
Congo Conference, relative to	27	156	
	29	247	
Consular service, report on	27	65	
Corea, relative to detailing Army officers for military instructors in	27	163	
French and American Claims Commission, report relative to	30	235	
	31	248	
International Meridian Conference, transmitting proceedings of	21	14	
Japan, relative to donation of ground for United States legation in	28	187	
Monahan, T. J., report on arrest in Mexico of	27	151	
Santos, Julio R., report relative to arrest in Ecuador of	27	161	
South American Commissioners, annual report of	29	226	
Private die-stamps, letter of Secretary of Treasury relative to commissions withheld from purchasers of	27	83	
Private land claims, New Mexico:			
Report of Secretary of Interior on claim of Antonio de Salazar, No. 132	21	15	
Report of Secretary of Interior on claim of Sebastian de Vargas, No. 137	21	16	
Report of Secretary of Interior on Cañada de Cochite grant, No. 135	21	42	
Public buildings, letter from Secretary of Treasury relative to purchase of site and erection of, at Harrisonburg, Va	21	49	
letter from Secretary of Treasury relative to completing post-office building at Poughkeepsie, N. Y	21	57	
letter of Secretary of Treasury relative to additional appropriations for	27	164	
letter of Secretary of Treasury relative to salary of inspector	28	191	
letter of Secretary of Treasury relative to appropriation for repairs of	28	215	
Public buildings and grounds, Washington, D. C., report of officer in charge of new State, War, and Navy building (vol. 1)	2	1	2

Subject.	Vol.	No.	Part.
Public documents, annual report of Secretary of Interior on distribution of	27	93	
Public lands, list of suspended entries of lands acted upon by the Board of Equitable Adjudication	21	13	
Puyallup River, report of engineers on survey of	27	172	
Q.			
Quartermaster-General, annnal report of (vol. 1)	2	1	2
Quincy Bay, Illinois, report of engineers on survey of Whipple Creek in	27	84	
R.			
Railroads. (*See* also under head of respective corporations.) annual report of Commissioner of (vol. 1)	11	1	5
Railway Mail Service, annual report of the Superintendent of the	10	1	4
Rebellion Records. (*See also* Records of the Rebellion) (vol. 1)	2	1	2
Receipts and expenditures, annual report for 1880	28	203	
Records of the Rebellion, report of officer in charge of publication (vol. 1)	2	1	2
report of Secretary of War on distribution of	27	136	
Red River, report of engineers on survey of	27	75	
Register of Treasury, annual report of	16	2	
Rice, S. F., letter of Secretary of Treasury relative to paying claim of	28	221	
Right of way, letter from Secretary of Interior relative to granting same to Jamestown and Northern Railroad through Devil's Lake Indian Reservation	21	31	
Rivers and harbors. (*See also* under head of respective names of rivers.) report of Secretary of War on improvements of	27	71	
letter of Secretary of War relative to misuse of piers and breakwaters	29	259	
Rock Island Arsenal, letter of Secretary of War relative to appropriations for water-power pool at	29	229	
S.			
Saint Joseph, Mo., letter from Secretary of Treasury on additional appropriation for public building at	28	181	
Saint Joseph's River, Idaho, report of engineers on survey of	28	178	
Saint Louis River and Bay, Wisconsin, report of engineers on survey of	28	204	
Salmon River, New York, report of engineers on survey of	27	135	
Sandy Bay, Massachusetts, letter of Secretary of War relative to constructing harbor of refuge at	21	56	
Santos, Julio R., letter from Secretary of State relative to arrest in Ecuador of	27 29 29	161 257 262	
Saranac River, reports of engineers on survey of	27	72	
Sault Sainte Mary Canal, letter from Secretary of War with report of engineers on lockage at	27	102	
Scajacuada Creek, New York, report of engineers on survey of	27	157	
Schofield, Maj. Gen. J. M., annual report of (vol. 1)	2	1	2
Scioto River, Ohio, report of engineers on survey of	29	234	
Second Assistant Postmaster-General, annual report of	10	1	4
Second Auditor of Treasury Department, annual report of	16	2	
letter asking additional accommodations for office	21	27	
Second Comptroller of Treasury Department, annual report of	16	2	

Subject.	Vol.	No.	Part.
Secretary of the Interior:			
Annual report of, in 4 volumes, embracing reports from—			
The Secretary (vol. 1)	11	1	5
Commissioner of the General Land Office (vol. 1)	11	1	5
Commissioner of Education (vol. 4)	14	1	5
Commissioner of Indian Affairs (vol. 2)	12	1	5
Commissioner of Pensions (vol. 1.)	11	1	5
Commissioner of Railroads (vol. 1)	11	1	5
Director of Geological Survey (vol. 3)	13	1	5
Letters from, relative to—			
Bureau of Catholic Missions, asking appropriations for	21	29	
California and Oregon Railroad, relative to appointment of commissioners to examine	29	255	
Contingent fund, statement of the expenditure of the funds of the several bureaus of the Interior Department for year ending June, 1884	21	17	
Indian depredation claims:			
Abstract showing the nature, character, and amount reported since February 20, 1884	21	20	
Abstract of claims since December 10, 1884, to January 13, 1885	27	86	
Supplemental report No. 2, on	28	182	
No. 3, on	28	197	
Indian schools, relative to disbursement of funds for support of	21	38	
Indian service, statement of open market expenditures for, from February 1, 1884, to June 30, 1884	21	18	
Jamestown and Northern Railroad, in regard to granting right of way through Devil's Lake Indian Reservation to	21	31	
Pension attorney, relative to fees of	21	40	
Private land claims, report relative to claim of Antonio de Salazar, No. 132	21	15	
on claim of Sebastian de Vargas, No. 137	21	16	
on Cañada de Cochite grant No. 135, New Mexico	21	42	
Public documents, annual report on distribution of	27	93	
Public lands, list of suspended entries of lands acted upon by Board of Adjudication	21	13	
Zuñi Indian Reservation, relating to alleged claims to portions of	21	11	
Secretary of the Navy:			
Annual report (in 2 volumes), embracing reports from—			
The Secretary (vol. 1)	9	1	3
Admiral of the Navy (vol. 1)	9	1	3
Advisory Board and its proceedings (vol. 1)	9	1	3
Bureau of Construction and Repair (vol. 1)	9	1	3
Equipment and Recruiting (vol. 1)	9	1	3
Medicine and Surgery (vol. 2)	9	1	3
Navigation (vol. 1)	9	1	3
Ordnance (vol. 1)	9	1	3
Provisions and Clothing (vol. 1)	9	1	3
Steam Engineering (vol. 1)	9	1	3
Yards and Docks (vol. 1)	9	1	3
Estimates of the Secretary's office, and pay of the Navy (vol. 1)	9	1	3
Marine Corps (vol. 1)	9	1	3
Naval Academy (vol. 1)	9	1	
Letters from, relative to—			
Acting rear admirals, on power to appoint	21	47	
Compasses, relative to establishing stations for determining errors in	29	233	
Central America, relative to assistance rendered destitute American citizens in	29	256	

Subject.	Vol.	No.	Part.
Secretary of the Navy—Continued.			
Letters from, relative to—			
Contingent fund, statement of the expenditures of, for 1883	27	118	
Druid (schooner), estimate to pay owners damages sustained by collision with U. S. S. Powhatan	21	24	
Naval Advisory Board, report of expenditures of	28	220	
Navy Department, annual report on civil employés of	21	63	
transmitting annual report on expenditure of contingent fund of	27	118	
Strang, Frederick S., on death at Naval Academy of	27	80	
Tallapoosa, relative to sinking of	27	160	
correcting clerical error in report relative to sinking of	28	180	
Vessels, relative to appropriation for machinery for new cruisers	28	223	
Secretary of State:			
Annual report upon foreign relations	1	1	1
Labor in Europe, transmitting consular reports on	24	54	1
	25	54	2
	26	54	3
Collisions at sea, in reference to international regulations for preventing	21	19	
Congo Conference, report relative to	27	156	
	29	247	
Consular and diplomatic service, report on	27	65	
Contingent fund, statement of disbursements for year ending June 30, 1884, of the State Department	21	33	
French and American Claims Commission, report relative to	27	144	
	30	235	
	31	248	
International Meridian Conference, report of proceedings	21	14	
Iquique, Peru, relative to burning of consulate at	28	177	
Japan, relative to donation of ground for United States legation in	28	187	
Monahan, Thomas R., on arrest in Mexico	27	151	
Santos, Julio R., relative to arrest in Ecuador of	27	161	
	29	257	
	29	262	
South American Commissioners, transmitting annual report of	29	226	
Secretary of the Treasury—			
Annual report on the finances, embracing reports of—			
The Secretary, with tables	16	2	
Annual report on the state of the finances for the year ending June 30, 1884	16	2	
Commisssioner of Internal Revenue	16	2	
	17	4	
Comptroller of the Currency	16	2	
	17	3	
Letters from, relative to—			
Abingdon, Va., relative to appropriation for public building at	27	122	
Alaska, relative to fitting up a public building in	27	171	
relative to pay of civil officers in	28	189	
relative to enforcement of laws in	29	252	
Appropriations, estimates required for year ending June, 1886	18	5	
supplemental estimate for printing national-bank notes	21	22	
estimate of deficiencies for support of certain tribes of Indians	21	45	
estimate for extra policemen for District of Columbia	21	48	
estimate for protection and improvement of Yellowstone Park	21	50	

Subject.	No.	Vol.	Part.
Secretary of the Treasury—Continued.			
Letters from, relative to—			
Appropriations, estimate for deficiency for State Department printing and binding	21	51	
estimate for completing light-house at mouth of Detroit River	27	68	
estimate for school at Flathead Agency	27	69	
estimate for gun factory for Navy Department	27	70	
additional estimates for War Department	27	73	
estimates for buildings on Coaster's Harbor Island	27	76	
estimates for maintaining public order in District of Columbia	27	81	
estimates to pay contractors for use of yards by iron-clads	27	82	
estimate for purchase of additional land at Fort Monroe	27	87	
estimate of removal of Nez Percé Indians	27	88	
estimate for expenses of naval vessels at New Orleans Exposition	27	101	
estimate for office of Auditor of Post-Office Department	27	104	
estimate for expenses of American and Haytien Claims Commission	27	106	
estimate for Contingent expenses of Naval Observatory	27	108	
estimates for building quarters at Military Academy	27	109	
estimate to purchase history of State Department	27	110	
estimate for extra work in division of warrants	27	111	
estimates of deficiencies for current year	18	115	
estimate to pay claim of Messageries Maritime Ship Company	27	120	
estimates to pay certain internal-revenue collectors	27	123	
estimate to purchase improvements on Mescalero Indian Reservation	27	124	
estimates for buildings at Norfolk navy-yard	27	126	
estimates for Indian school at Forest Grove, Oreg	27	127	
estimate for expenses of selling Omaha Indian lands	27	129	
estimate to pay damages for collision of Steamer Tallapoosa	27	131	
estimate of expenses for ascertaining French spoliation claims	27	140	
estimate for Abescom and Cape May light stations	27	142	
additional estimates for money-order division of Post-Office Department	27	143	
estimates for legation premises at Seoul, Corea, and Bankok	27	148	
estimates for improving sanitary condition of Watervliet Arsenal	27	149	
estimates for Hampton Institute, Virginia	27	159	
estimates for completing hospital at Hot Springs, Ark	27	165	
estimates for Bureau of Labor Statistics	28	190	
estimates for improvements at Hot Springs, Ark	28	194	
supplemental estimates of	18	196	

Subject.	Vol.	No.	Part.
Secretary of the Treasury—Continued.			
Letters from, relative to—			
Appropriations, estimates for removing Eastern Band of Cherokee Indians	28	208	
estimates for gas-pipes for new Pension building	28	209	
estimates to pay claim of J. R. Carter	28	213	
estimate to pay interpreter to legation in Japan	28	217	
estimates for New Orleans Exposition	28	218	
estimates for government of Alaska	29	227	
estimates for completion of Pension Office building	29	228	
estimates for unpaid judgments of Court of Claims	29	236	
estimates for movable torpedoes	29	238	
estimate to reimburse J. T. Malo	29	240	
estimate for sanitary improvements at Watertown Arsenal	29	241	
Ashuelot (U. S. S.), relative to paying damages for collision with	28	195	
Boston, Mass., relative to an additional appropriation for public building at	27	164	
Buenos Ayres, relative to the consul at	27	67	
Captain & Co., relative to claim of	27	77	
Charleston, W. Va., relative to increased appropriation for public building	28	185	
Chinese immigration, on regulations for restricting	28	214	
Claims, schedule showing list allowed by accounting officers of the Treasury	21	55	
list of, arising under act of July 4, 1864	27	119	
schedule showing list under exhausted appropriations	27	153	
Cleveland, Ohio, relative to additional appropriations for public building at	27	164	
Coast Survey, annual report for 1884	22	43	
Coast and Geodetic Survey, statement showing expenditures made on account of	21	52	
Columbus, Ohio, relative to public building at	27	130	
Council Bluffs, Iowa, relative to public building at	27	145	
Court of Claims, relative to appropriation for printing for	27	167	
Customs officers, transmitting annual report on emoluments of	29	231	
	29	231	
Customs revenue, in relation to cost of collecting	21	34	
Des Moines, Iowa, relative to public buildings at	27	128	
Distilled spirits, relative to removal and entry from warehouses	27	92	
District of Columbia, relative to additional estimates for charitable institutions in	21	37	
Dubuque, Iowa, relative to public building at	27	125	
Duties, annual report of refund	27	152	
Elections, statement of expenditures for deputy marshals and supervisors of	29	246	
Elliott, George F., relative to relief of sureties of	21	30	
Fort Wayne, Ind., relative to limit of cost of public building at	27	158	
Georgia Shoals, Massachusetts, relative to examination of	29	232	
Grant & Co., relative to paying interest on judgment in favor of	29	244	
Government Printing Office, in relation to appropriation for the removal and storage of material at	21	23	
Harrisonburg, Va., relative to erection of public building at	21	49	
appropriation for public building at	27	122	

Subject.	Vol.	No.	Part.
Secretary of the Treasury—Continued.			
Letters from, relative to—			
Indian Bureau, supplementary estimates of appropriations from Interior Department for the	21	26	
Indian schools, relative to purchasing property for	27	100	
Jefferson City, Mo., relative to additional appropriation for public building at	27	166	
Kansas City, Mo., relative to an additional appropriation for public building at	27	164	
Ker, W. W., relative to paying for services	29	237	
Key West, Fla., relative to light at Northwest Passage	21	58	
Land laws, estimate for printing	21	28	
Lily (steamer), relative to burning of	21	60	
transmitting claims for losses by burning of	27	105	
Louisville, Ky., relative to additional appropriation for public building at	28	188	
Minneapolis, Minn., relative to public building at	27	121	
Missouri, Kansas and Pacific Railroad, relative to claim of	28	216	
Narragansett Bay, Rhode Island, relative to additional lights in	27	112	
Navy Department, estimate of appropriation for additional messenger in	21	39	
Post-Office warrants, relative to paying ante-bellum	28	193	
Poughkeepsie, N. Y., relative to completing public building at	21	57	
Private die-stamps, relative to paying purchasers of	27	83	
Public buildings, relative to pay of inspector	28	191	
appropriation for repairs on	28	215	
Receipts and expenditures, transmitting report for 1883 of	28	203	
Rice, S. F., relative to claim of	29	251	
Saint Joseph, Mo., relative to increased appropriation for public building at	28	181	
Second Auditor, relative to additional accommodations for office of	21	27	
Silver, relative to banks refusing	28	201	
Silver dollars, relative to transportation and storage of	27	146	
Special agents, relative to list and duties of	28	199	
Steam-vessels, relative to law regulating feed pipes	28	222	
Syracuse, N. Y., relative to increasing cost of public building at	27	150	
Treasury Department, report of the contingent expenses for year ending June 30, 1884, of the	27	66	
Willbur, J. M., report on claim of	27	141	
Wyoming Territory, relative to printing revised laws of	21	25	
Secretary of War:			
Annual report of the, in 4 volumes, embracing reports of—			
The Secretary (vol. 1)	2	1	2
Adjutant-General (vol. 1)	2	1	2 2
Augur, Brig. Gen. C. C. (vol. 1)	2	1	2 2
Bradley, Col. L. P. (vol. 1)	2	1	2 2
Chief of Engineers (vol. 2, part 1)	3	1	2 2
Chief of Engineers (vol. 2, part 2)	4	1	2 2
Chief of Engineers (vol. 2, part 3)	5	1	2 2
Chief of Engineers (vol. 2, part 4)	6	1	2 2
Chief of Ordnance (vol. 3)	7	1	2 2
Commissary General of Subsistence, annual report of (vol. 1)	2	1	2 2
Crook, Brig. Gen. George (vol. 1)	2	1	2 2
Education in Army, report by officer in charge of (vol. 1)	2	1	2 2
Gibbon, Col. John (vol. 1)	2	1	2 2
Hancock, Maj. Gen. W. S. (vol. 1)	2	1	2 2
Inspector-General (vol. 1)	2	1	2 2
Judge-Advocate General (vol. 1)	2	1	2 2
Merritt, Col. W. (vol. 1)	2	1	2 2
Miles, Brig. Gen. N. A. (vol. 1)	2	1	2 2

Subject.	No.	Vol.	Part.
Secretary of War—Continued.			
Annual report of the, in 4 volumes, embracing reports of—			
Military Academy, report of Board of Visitors to (vol 1)..	2	1	2
transmitting petition of cadets from ...	21	62	
Military prison reports (vol. 1).....	2	1	2
Militia Reports (vol. 1).....	2	1	2
Otis, Col. E. (vol. 1).....	2	1	2
Paymaster-General, annual report (vol. 1).....	2	1	2
Pope, Maj. Gen. John (vol. 1).....	2	1	2
Quartermaster-General (vol. 1).....	2	1	2
Records of the Rebellion, report of officer in charge of publications of (vol. 1).....	2	1	2
Schofield, Maj. Gen. J. M. (vol. 1).....	2	1	2
Sheridan, Lieutenant-General (vol. 1).....	2	1	2
Signal Office, report relative to (vol. 4).....	8	1	2
Soldiers' Home, Washington, D. C., annual report of commissioners of (vol. 1).....	2	1	2
Stanley, Brig. Gen. D. S. (vol. 1).....	2	1	2
State, War, and Navy Department building, report of officer in charge of (vol 1).....	2	1	2
Surgeon-General, annual report of (vol. 1).....	2	1	2
Terry, Brig. Gen. A. H. (vol. 1).....	2	1	2
Tidball, Lieut. Col. J. C. (vol. 1).....	2	1	2
Letters from, relative to—			
Agate Bay, Minnesota, transmitting report on survey of...	27	94	
Army, annual report on contingent expenditures for.....	27	85	
Assistant surgeons, transmitting petitions relative to issuing commission to.....	29	230	
Barren River, Kentucky, transmitting report on survey of.	28	212	
Bayou Bartholomew, transmitting report on survey of.....	27	147	
Bœuf River, Louisiana, transmitting report on survey of..	27	99	
Bogue Sound, North Carolina, transmitting report on survey of.....	29	258	
Burlington Bay, Minnesota, transmitting report of survey of	27	94	
Calumet, Ill., relative to changes in shore line at.....	21	36	
Cashie River, transmitting report on survey of.....	29	263	
Chincoteague Bay, transmitting report on survey from Delaware Bay to.....	27	107	
Cleveland, Ohio, transmitting report of engineers on harbor at	27	116	
Clinton River, Michigan, transmitting report on survey of.	28	210	
Congaree River, transmitting report of engineers on survey of.....	29	254	
Cœur D'Alene Lake and River, transmitting report on survey of	28	178	
Cypress Bayou, transmitting report of engineers on.....	27	103	
Dams, transmitting report of engineers on system of movable	27	95	
Darien Harbor, Georgia, transmitting report on survey of..	29	260	
David's Island, New York, with estimates for seawall around	28	205	
Deer Creek, Mississippi, transmitting report of engineers on survey of	27	132	
Disbursing officers, relative to inspection of money accounts of	21	10	
Du Pont, S. F., relative to unveiling statue of.....	21	41	
Falls of Saint Anthony, relative to condition of.....	21	61	
Fort Point, Boston Harbor, transmitting report of survey of channel at	28	206	
Gedney's Channel, relative to deepening.....	27	78	
Gloucester, Mass., transmitting report of survey on harbor at.....	27	169	
Green River, Kentucky, transmitting report on survey of..	28	212	
Hell Gate, New York, relative to application of appropriation for improvement of.....	21	53	

Subject.	Vol.	No.	Part.
Secretary of War—Continued.			
Letters from, relative to—			
Higham Harbor, Massachusetts, transmitting report on survey of	27	137	
Huntington, N. Y., transmitting report on survey of harbor at	28	200	
Hyannis, Mass., transmitting report of engineers on survey of harbor at	27	96	
Infantry, transmitting petition of officers for reorganization of	27	168	
	29	251	
International Geographical Congress, transmitting report of, held at Venice	18	270	
Lac la Belle Harbor, transmitting report on survey of	27	89	
Lake Champlain, New York, transmitting report of survey at Four Channels of	28	211	
Lawrenceburg, Ind., transmitting report of survey of harbor at	27	154	
Lewis River, transmitting report on survey of	27	174	
Ludington, Mich., transmitting report on survey of harbor at	27	74	
Militia, abstract of force of	27	170	
Mississippi River, transmitting report of survey of, near Guttenberg, Iowa	28	184	
Mississippi River Commission, transmitting annual report of	21	64	
Mobile, Ala., transmitting report of survey of river and harbor at	27	139	
Napa River, transmitting report on survey of	29	261	
Natalbany River, transmitting report on survey of	27	113	
New York Harbor, transmitting report on improvements of	27	78	
Ohio River, transmitting report of engineers on survey of, near Licking River	29	253	
Pasquotank River, North Carolina, transmitting report on survey of	27	98	
Pawcatuck River, Rhode Island, transmitting report of survey of	28	183	
Pensacola, Fla., transmitting report on survey of harbor at	28	224	
Pocomoke River, transmitting report on survey of	28	186	
Point Barrow Expedition, relative to	23	44	
Portsmouth, N. H., transmitting report on survey of harbor at	27	91	
Powow River, Massachusetts, transmitting report on survey of	28	179	
Puyallup River, transmitting report of survey of	27	172	
Quincy Bay, Illinois, transmitting report on survey of Whipple Creek, in	27	84	
Records of the Rebellion, relative to the distribution of	27	136	
Red River, transmitting report on survey of	27	75	
Rivers and harbors, transmitting report on	27	71	
transmitting report on survey of	29	259	
Rock Island Arsenal, relative to appropriation for water-power pool at	29	229	
Saint Joseph River, Idaho, transmitting report on survey of	28	178	
Saint Louis River and Bay, Wisconsin, transmitting report on survey of	28	204	
Salmon River, New York, transmitting report on survey of	27	135	
Sand Bay, Massachusetts, relative to constructing harbor of refuge at	21	56	
Saranac River, transmitting report on survey of	27	72	
Sault Saint Mary Canal, transmitting report of engineers on lockage of	27	102	
Scajacuada Creek, New York, transmitting report on survey of	27	157	

Subject.	Vol.	No.	Part.
Secretary of War—Continued.			
Letters from, relative to—			
Scioto River, Ohio, transmitting report of engineers on survey of	29	234	
Skipton Creek, Maryland, transmitting report on survey of	28	192	
Springfied Armory, relative to estimates of appropriations for	27	97	
Sny Island Levee, transmitting report on survey of	28	225	
Union Metallic Cartridge Company, relative to claim of	27	114	
Venice, Italy, transmitting report on the Third International Congress held at	18	270	
War Department, annual report on contingent expenditures of the	27	90	
Warren River, Rhode Island, transmitting report on survey of	27	133	
White Hall, N. Y., transmitting report on survey of harbor at	27	138	
Willapah River, transmitting report on survey of	27	173	
Wood Island Harbor, Maine, transmitting report on survey of	27	134	
York Harbor, Maine, transmitting report on survey of	29	243	
Sheridan, Lieut. Gen. P. H., annual report of (vol. 1)	2	1	2
Signal Office:			
Report of Secretary of War relative to (vol. 4)	8	1	2
Silver dollars. (*See* Coins and Coinage.)			
Sixth Auditor of Treasury Department, annual report of	16	2	
Skipton Creek, report of engineers on survey of	28	192	
Sny Island, Mississippi River, report of engineers on survey of levee at	28	225	
Soldiers' Home, District of Columbia, annual report of commissioners of (vol. 1)	2	1	2
South American Commissioners, annual report	29	226	
Special agents. (*See* Treasury Department.)			
Springfield Armory, Massachusetts, letter of Secretary of War relative to estimate of appropriations for	27	97	
Stanley, Brig. Gen. D. S., annual report of (vol. 1)	2	1	2
State, Secretary of. (*See* Secretary of State.)			
State Department. (*See* Department of State.)			
Steam-vessels, letter of Secretary of Treasury relative to law regulating feed-pipes	28	222	
Strang, Frederick S., report of Secretary of Navy, relative to death at Naval Academy of	27	80	
Subsistence, annual report of Commissary-General of (vol. 1)	2	1	2
Superintendent of Foreign Mails, annual report of	10	1	4
Supervisors. (*See* Elections.)			
Surgeon-General, annual report of (vol. 1)	2	1	2
Syracuse, N. Y., letter of Secretary of Treasury, relative to increasing cost of public building at	27	150	
T.			
Tallapoosa (U. S. S.), report of Secretary of Navy relative to sinking of	27	160	
correcting clerical error in report relative to sinking of	28	180	
estimate to pay damages for collision by	27	131	
Terry, Brig. Gen. A. H., annual report of (vol. 1)	2	1	2
Third Assistant Postmaster-General, annual report of	10	1	4
Third Auditor of Treasury Department, annual report of	16	2	
Tidball, Lieut. Col. J. C., annual report of (vol. 1)	2	1	2
Topographer of the Post-Office Department, annual report of	10	1	4
Torpedoes, estimate of increased appropriation for movable	29	238	
Treasurer of United States, annual report of	16	2	
annual report of accounts settled by First Comptroller	15	9	
Treasury, annual report of Register of United States	16	2	

Subject.	Vol.	No.	Part.
Treasury Department, annual report of First Comptroller of	16	2	
Second Comptroller of	16	2	
First Auditor of	16	2	
Second Auditor of	16	2	
Third Auditor of	16	2	
Fourth Auditor of	16	2	
Fifth Auditor of	16	2	
Sixth Auditor of	16	2	
estimates to pay for extra work in the division of warrants of the	27	111	
report of Secretary of Treasury on the contingent expenses for year ending June 30, 1884, of the	27	66	
report of Secretary of Treasury on special agents	28	199	
U.			
Union Metallic Cartridge Company, report of Secretary of War on claim of	27	114	
Union Pacific Railway Company, annual report of the Government directors of	27	79	
United States courts. (*See* Courts of the United States.)			
V.			
Venice, Italy, report on the Third International Geographical Congress held at	18	270	
Vessels. (*See also* Commerce and Navigation.)			
Message of President recommending legislation for preventing collisions at sea	21	19	
Vienna, report relative to Geographical Congress held at	18	270	
W.			
War Department, additional estimates for appropriations	27	73	
Annual report on contingent expenditures	27	90	
Report of inspection of money accounts of disbursing officers of the	21	10	
War, Secretary of. (*See* Secretary of War.)			
Warren River, Rhode Island, report of engineers on survey of	27	133	
Watertown Arsenal, estimate for sanitary improvements at	29	241	
Watervliet Arsenal, estimate for improving sanitary condition of	27	149	
West Point, N. Y. (*See* Military Academy.)			
Whitehall, N. Y., report of engineers on survey of harbor at	27	138	
Willapah River, report of engineers on survey of	27	173	
Willbur, J. M., letter of Secretary of Treasury relative to claim of	27	141	
Wood Island Harbor, Maine, report of engineers on survey of	27	134	
World's Industrial Exposition. (*See* New Orleans Exposition.)			
Wyoming Territory, letter from Secretary of the Treasury relative to printing revised laws of	21	25	
Y.			
Yellowstone Park, estimate of appropriation for protection and improvement of	21	50	
York Harbor, Maine, report of engineers on survey of	29	243	
Z.			
Zuñi Indian Reservation. (*See* Indians.)			

48TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { Ex. Doc. 1, Part 1.

PAPERS

RELATING TO THE

FOREIGN RELATIONS

OF

THE UNITED STATES,

TRANSMITTED TO CONGRESS,

WITH THE ANNUAL MESSAGE OF THE PRESIDENT,

DECEMBER 1, 1884,

PRECEDED BY A

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

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1885.

MESSAGE.

To the Congress of the United States:

Since the close of your last session the American people, in the exercise of their highest right of suffrage, have chosen their Chief Magistrate for the four years ensuing.

When it is remembered that at no period in the country's history has the long political contest which customarily precedes the day of the national election been waged with greater fervor and intensity, it is a subject of general congratulation that after the controversy at the polls was over, and while the slight preponderance by which the issue had been determined was as yet unascertained, the public peace suffered no disturbance, but the people everywhere patiently and quietly awaited the result.

Nothing could more strikingly illustrate the temper of the American citizen, his love of order, and his loyalty to law—nothing could more signally demonstrate the strength and wisdom of our political institutions.

Eight years have passed since a controversy concerning the result of a national election sharply called the attention of the Congress to the necessity of providing more precise and definite regulations for counting the electoral vote.

It is of the gravest importance that this question be solved before conflicting claims to the Presidency shall again distract the country, and I am persuaded that, by the people at large, any of the measures of relief thus far proposed would be preferred to continued inaction.

Our relations with all foreign powers continue to be amicable.

With Belgium a convention has been signed whereby the scope of present treaties has been so enlarged as to secure to citizens of either country within the jurisdiction of the other equal rights and privileges in the acquisition and alienation of property. A trade-marks treaty has also been concluded.

The war between Chili and Peru is at an end. For the arbitration of the claims of American citizens who during its continuance suffered through the acts of the Chilian authorities a convention will soon be negotiated.

The state of hostilities between France and China continues to be an embarrassing feature of our Eastern relations. The Chinese Government has promptly adjusted and paid the claims of American citizens whose property was destroyed in the recent riots at Canton. I renew the recommendation of my last annual message, that the Canton indemnity fund be returned to China.

The true interpretation of the recent treaty with that country, permitting the restriction of Chinese immigration, is likely to be again the subject of your deliberations. It may be seriously questioned whether the statute passed at the last session does not violate the treaty rights of certain Chinese who left this country with return certificates valid under the old law and who now seem to be debarred from relanding for lack of the certificates required by the new.

The recent purchase by citizens of the United States of a large trading fleet heretofore under the Chinese flag has considerably enhanced our commercial importance in the East. In view of the large number of vessels built or purchased by American citizens in other countries and exclusively employed in legitimate traffic between foreign ports under the recognized protection of our flag, it might be well to provide a uniform rule for their registration and documentation, so that the *bona fide* property rights of our citizens therein shall be duly evidenced and properly guarded.

Pursuant to the advice of the Senate at the last session, I recognized the flag of the International Association of the Congo as that of a friendly government, avoiding in so doing any prejudgment of conflicting territorial claims in that region. Subsequently, in execution of the expressed wish of the Congress, I appointed a commercial agent for the Congo Basin.

The importance of the rich prospective trade of the Congo Valley has led to the general conviction that it should be open to all nations upon equal terms. At an international conference for the consideration of this subject called by the Emperor of Germany, and now in session at Berlin, delegates are in attendance on behalf of the United States. Of the results of the conference you will be duly advised.

The Government of Corea has generously aided the efforts of the United States minister to secure suitable premises for the use of the legation. As the conditions of diplomatic intercourse with Eastern nations demand that the legation premises be owned by the represented power, I advise that an appropriation be made for the acquisition of this property by the Government. The United States already possess valuable premises at Tangier as a gift from the Sultan of Morocco. As is stated hereafter, they have lately received a similar gift from the Siamese Government. The Government of Japan stands ready to pre-

sent to us extensive grounds at Tokio whereon to erect a suitable building for the legation, court-house, and jail; and similar privileges can probably be secured in China and Persia. The owning of such premises would not only effect a large saving of the present rentals but would permit of the due assertion of extraterritorial rights in those countries, and would the better serve to maintain the dignity of the United States.

The failure of Congress to make appropriation for our representation at the autonomous court of the Khedive has proved a serious embarrassment in our intercourse with Egypt; and in view of the necessary intimacy of diplomatic relationship due to the participation of this Government, as one of the treaty powers, in all matters of administration there affecting the rights of foreigners, I advise the restoration of the agency and consulate-general at Cairo on its former basis. I do not conceive it to be the wish of Congress that the United States should withdraw altogether from the honorable position they have hitherto held with respect to the Khedive, or that citizens of this republic residing or sojourning in Egypt should hereafter be without the aid and protection of a competent representative.

With France, the traditional cordial relationship continues. The colossal statue of Liberty enlightening the World, the generous gift of the people of France, is expected to reach New York in May next. I suggest that Congressional action be taken in recognition of the spirit which has prompted this gift, and in aid of the timely completion of the pedestal upon which it is to be placed.

Our relations with Germany, a country which contributes to our own some of the best elements of citizenship, continue to be cordial. The United States have extradition treaties with several of the German states, but by reason of the confederation of those states under the Imperial rule, the application of such treaties is not as uniform and comprehensive as the interests of the two countries require. I propose, therefore, to open negotiations for a single convention of extradition to embrace all the territory of the Empire.

It affords me pleasure to say that our intercourse with Great Britain continues to be of a most friendly character.

The Government of Hawaii has indicated its willingness to continue for seven years the provisions of the existing reciprocity treaty. Such continuance, in view of the relations of that country to the American system of States, should in my judgment be favored.

The revolution in Hayti against the established government has terminated. While it was in progress it became necessary to enforce

our neutrality laws by instituting proceedings against individuals and vessels charged with their infringement. These prosecutions were in all cases successful.

Much anxiety has lately been displayed by various European governments, and especially by the Government of Italy for the abolition of our import duties upon works of art. It is well to consider whether the present discrimination in favor of the productions of American artists abroad is not likely to result, as they themselves seem very generally to believe it may, in the practical exclusion of our painters and sculptors from the rich fields for observation, study, and labor which they have hitherto enjoyed.

There is prospect that the long-pending revision of the foreign treaties of Japan may be concluded at a new conference to be held at Tokio. While this Government fully recognizes the equal and independent station of Japan in the community of nations, it would not oppose the general adoption of such terms of compromise as Japan may be disposed to offer in furtherance of a uniform policy of intercourse with Western nations.

During the past year the increasing good-will between our own Government and that of Mexico has been variously manifested. The treaty of commercial reciprocity concluded January 20, 1883, has been ratified, and awaits the necessary tariff legislation of Congress to become effective. This legislation will, I doubt not, be among the first measures to claim your attention.

A full treaty of commerce, navigation, and consular rights is much to be desired, and such a treaty I have reason to believe that the Mexican Government stands ready to conclude.

Some embarrassment has been occasioned by the failure of Congress at its last session to provide means for the due execution of the treaty of July 29, 1882, for the resurvey of the Mexican boundary and the relocation of boundary monuments.

With the Republic of Nicaragua a treaty has been concluded which authorizes the construction by the United States of a canal, railway, and telegraph line across the Nicaraguan territory.

By the terms of this treaty sixty miles of the river San Juan, as well as Lake Nicaragua, an inland sea forty miles in width, are to constitute a part of the projected enterprise.

This leaves for actual canal construction seventeen miles on the Pacific side and thirty-six miles on the Atlantic. To the United States, whose rich territory on the Pacific is for the ordinary purposes of commerce practically cut off from communication by water with the Atlantic ports, the political and commercial advantages of such a project can scarcely be overestimated.

It is believed that when the treaty is laid before you the justice and liberality of its provisions will command universal approval at home and abroad.

The death of our representative at Russia while at his post at St. Petersburg afforded to the Imperial Government a renewed opportunity to testify its sympathy in a manner befitting the intimate friendliness which has ever marked the intercourse of the two countries.

The course of this Government in raising its representation at Bangkok to the diplomatic rank has evoked from Siam evidences of warm friendship and augurs well for our enlarged intercourse. The Siamese Government has presented to the United States a commodious mansion and grounds for the occupancy of the legation, and I suggest that by joint resolution Congress attest its appreciation of this generous gift.

This Government has more than once been called upon of late to take action in fulfillment of its international obligations toward Spain. Agitation in the island of Cuba hostile to the Spanish crown having been fomented by persons abusing the sacred rights of hospitality which our territory affords, the officers of this Government have been instructed to exercise vigilance to prevent infractions of our neutrality laws at Key West and at other points near the Cuban coast. I am happy to say that in the only instance where these precautionary measures were successfully eluded, the offenders when found in our territory were subsequently tried and convicted.

The growing need of close relationship of intercourse and traffic between the Spanish Antilles and their natural market in the United States led to the adoption, in January last, of a commercial agreement looking to that end. This agreement has since been superseded by a more carefully framed and comprehensive convention, which I shall submit to the Senate for approval. It has been the aim of this negotiation to open such a favored reciprocal exchange of productions carried under the flag of either country, as to make the intercourse between Cuba and Porto Rico and ourselves scarcely less intimate than the commercial movement between our domestic ports, and to insure a removal of the burdens on shipping in the Spanish Indies, of which in the past our ship-owners and ship-masters have so often had cause to complain.

The negotiation of this convention has for a time postponed the prosecution of certain claims of our citizens which were declared to be without the jurisdiction of the late Spanish-American Claims Commission, and which are therefore remitted to diplomatic channels for adjustment. The speedy settlement of these claims will now be urged by this Government.

Negotiations for a treaty of commercial reciprocity with the Dominican Republic have been successfully concluded, and the result will shortly be laid before the Senate.

Certain questions between the United States and the Ottoman Empire still remain unsolved. Complaints on behalf of our citizens are not satisfactorily adjusted. The Porte has sought to withhold from our commerce the right of favored treatment to which we are entitled by existing conventional stipulations, and the revision of the tariffs is unaccomplished.

The final disposition of pending questions with Venezuela has not as yet been reached, but I have good reason to expect an early settlement, which will provide the means of re-examining the Caracas awards in conformity with the expressed desire of Congress, and which will recognize the justice of certain claims preferred against Venezuela.

The Central and South American Commission appointed by authority of the act of July 7, 1884, will soon proceed to Mexico. It has been furnished with instructions which will be laid before you. They contain a statement of the general policy of the Government for enlarging its commercial intercourse with American States. The commissioners have been actively preparing for their responsible task by holding conferences in the principal cities with merchants and others interested in Central and South American trade.

The International Meridian Conference, lately convened in Washington upon the invitation of the Government of the United States, was composed of representatives from twenty-five nations. The conference concluded its labors on the 1st of November, having with substantial unanimity agreed upon the meridian of Greenwich as the starting point whence longitude is to be computed through one hundred and eighty degrees eastward and westward, and upon the adoption, for all purposes for which it may be found convenient, of a universal day which shall begin at midnight on the initial meridian and whose hours shall be counted from zero up to twenty-four.

The formal report of the transactions of this conference will be hereafter transmitted to the Congress.

This Government is in frequent receipt of invitations from foreign states to participate in international exhibitions, often of great interest and importance. Occupying as we do an advanced position in the world's production, and aiming to secure a profitable share for our industries in the general competitive markets, it is a matter of serious concern that the want of means for participation in these exhibitions should so often exclude our producers from advantages enjoyed by

those of other countries. During the past year the attention of Congress was drawn to the formal invitations in this regard tendered by the Governments of England, Holland, Belgium, Germany, and Austria. The Executive has in some instances appointed honorary commissioners. This is, however, a most unsatisfactory expedient, for without some provision to meet the necessary working expenses of a commission it can effect little or nothing in behalf of exhibitors. An international inventions exhibition is to be held in London next May. This will cover a field of special importance, in which our country holds a foremost rank, but the Executive is at present powerless to organize a proper representation of our vast national interests in this direction.

I have in several previous messages referred to this subject. It seems to me that a statute, giving to the Executive general discretionary authority to accept such invitations, and to appoint honorary commissioners, without salary, and placing at the disposal of the Secretary of State a small fund for defraying their reasonable expenses, would be of great public utility.

This Government has received official notice that the Revised International Regulations for preventing collisions at sea have been adopted by all the leading maritime powers except the United States, and came into force on the 1st of September last. For the due protection of our shipping interests, the provisions of our statutes should at once be brought into conformity with these Regulations.

The question of securing to authors, composers, and artists copyright privileges in this country in return for reciprocal rights abroad is one that may justly challenge your attention. It is true that conventions will be necessary for fully accomplishing this result, but until Congress shall by statute fix the extent to which foreign holders of copyright shall be here privileged, it has been deemed inadvisable to negotiate such conventions. For this reason the United States were not represented at the recent conference at Berne.

I recommend that the scope of the neutrality laws of the United States be so enlarged as to cover all patent acts of hostility committed in our territory and aimed against the peace of a friendly nation. Existing statutes prohibit the fitting out of armed expeditions and restrict the shipment of explosives, though the enactments in the latter respect were not framed with regard to international obligations, but simply for the protection of passenger travel. All these statutes were intended to meet special emergencies that had already arisen. Other emergencies have arisen since, and modern ingenuity supplies means for the organization of hostilities without open resort to armed vessels or to filibustering parties.

I see no reason why overt preparations in this country for the commission of criminal acts, such as are here under consideration, should not be alike punishable, whether such acts are intended to be committed in our own country or in a foreign country with which we are at peace.

The prompt and thorough treatment of this question is one which intimately concerns the national honor.

Our existing naturalization laws also need revision. Those sections relating to persons residing within the limits of the United States in 1795 and 1798 have now only a historical interest. Section 2172, recognizing the citizenship of the children of naturalized parents, is ambiguous in its terms and partly obsolete. There are special provisions of law favoring the naturalization of those who serve in the Army or in merchant vessels, while no similar privileges are granted those who serve in the Navy or the Marine Corps.

"An uniform rule of naturalization," such as the Constitution contemplates, should, among other things, clearly define the status of persons born within the United States subject to a foreign power (section 1992) and of minor children of fathers who have declared their intention to become citizens but have failed to perfect their naturalization. It might be wise to provide for a central bureau of registry, wherein should be filed authenticated transcripts of every record of naturalization in the several Federal and State courts, and to make provision also for the vacation or cancellation of such record in cases where fraud had been practiced upon the court by the applicant himself or where he had renounced or forfeited his acquired citizenship. A just and uniform law in this respect would strengthen the hands of the Government in protecting its citizens abroad, and would pave the way for the conclusion of treaties of naturalization with foreign countries.

The legislation of the last session effected in the diplomatic and consular service certain changes and reductions which have been productive of embarrassment. The population and commercial activity of our country are steadily on the increase, and are giving rise to new, varying, and often delicate relationships with other countries. Our foreign establishment now embraces nearly double the area of operations that it occupied twenty years ago. The confinement of such a service within the limits of expenditure then established is not, it seems to me, in accordance with true economy. A community of sixty millions of people should be adequately represented in its intercourse with foreign nations.

A project for the reorganization of the consular service and for recasting the scheme of extraterritorial jurisdiction is now before you. If the limits of a short session will not allow of its full consideration, I trust that you will not fail to make suitable provision for the present needs of the service.

It has been customary to define in the appropriation acts the rank of each diplomatic office to which a salary is attached. I suggest that this course be abandoned and that it be left to the President, with the advice and consent of the Senate, to fix from time to time the diplomatic grade of the representatives of this Government abroad as may seem advisable, provision being definitely made, however, as now for the amount of salary attached to the respective stations.

The condition of our finances and the operations of the various branches of the public service which are connected with the Treasury Department are very fully discussed in the report of the Secretary.

It appears that the ordinary revenues for the fiscal year ended June 30, 1884, were—

From customs	$195,067,489 76
From internal revenue	121,586,072 51
From all other sources	31,866,307 65
Total ordinary revenues	348,519,869 92

The public expenditures during the same period were—

For civil expenses	$22,312,907 71
For foreign intercourse	1,260,766 37
For Indians	6,475,999 29
For pensions	55,429,228 06
For the military establishment, including river and harbor improvements and arsenals	39,429,603 36
For the naval establishment, including vessels, machinery, and improvements at navy-yards	17,292,601 44
For miscellaneous expenditures, including public buildings, light-houses, and collecting the revenue	43,939,710 00
For expenditures on account of the District of Columbia	3,407,049 62
For interest on the public debt	54,578,378 48
For the sinking fund	46,790,229 50
Total ordinary expenditures	290,916,473 83
Leaving a surplus of	57,603,396 09

As compared with the preceding fiscal year there was a net decrease of over $21,000,000 in the amount of expenditures. The aggregate receipts were less than those of the year previous by about $54,000,000. The falling off in revenue from customs made up nearly $20,000,000 of this deficiency, and about $23,000,000 of the remainder was due to the diminished receipts from internal taxation.

The Secretary estimates the total receipts for the fiscal year which will end June 30, 1885, at $330,000,000, and the total expenditures at $290,620,201.16, in which sum are included the interest on the debt and the amount payable to the sinking fund. This would leave a surplus for the entire year of about $39,000,000.

The value of exports from the United States to foreign countries during the year ending June 30, 1884, was as follows:

Domestic merchandise	$724, 964, 852
Foreign merchandise	15, 548, 757
Total merchandise	740, 513, 609
Specie	67, 133, 383
Total exports of merchandise and specie	807, 646, 992

The cotton and cotton manufactures included in this statement were valued at $208,900,415; the breadstuffs at $162,544,715; the provisions at $114,416,547, and the mineral oils at $47,103,248.

During the same period the imports were as follows:

Merchandise	$667, 697, 693
Gold and silver	37, 426, 262
Total	705, 123, 955

More than 63 per cent. of the entire value of imported merchandise consisted of the following articles:

Sugar and molasses	$103, 884, 274
Wool and woolen manufactures	53, 542, 292
Silk and its manufactures	49, 949, 128
Coffee	49, 686, 705
Iron and steel and manufactures thereof	41, 464, 599
Chemicals	38, 464, 965
Flax, hemp, jute, and like substances, and manufactures thereof	33, 463, 398
Cotton and manufactures of cotton	30, 454, 476
Hides and skins other than fur-skins	22, 350, 906

I concur with the Secretary of the Treasury in recommending the immediate suspension of the coinage of silver dollars and of the issuance of silver certificates. This is a matter to which, in former communications, I have more than once invoked the attention of the National Legislature.

It appears that annually for the past six years there have been coined, in compliance with the requirements of the act of February 28, 1878, more than twenty-seven million silver dollars. The number now out-

standing is reported by the Secretary to be nearly one hundred and eighty-five million, whereof but little more than forty million, or less than 22 per cent., are in actual circulation. The mere existence of this fact seems to me to furnish of itself a cogent argument for the repeal of the statute which has made such fact possible.

But there are other and graver considerations that tend in the same direction.

The Secretary avows his conviction that unless this coinage and the issuance of silver certificates be suspended, silver is likely at no distant day to become our sole metallic standard. The commercial disturbance and the impairment of national credit that would be thus occasioned can scarcely be overestimated.

I hope that the Secretary's suggestions respecting the withdrawal from circulation of the one-dollar and two-dollar notes will receive your approval. It is likely that a considerable portion of the silver now encumbering the vaults of the Treasury might thus find its way into the currency.

While trade-dollars have ceased, for the present at least, to be an element of active disturbance in our currency system, some provision should be made for their surrender to the Government. In view of the circumstances under which they were coined and of the fact that they have never had a legal-tender quality, there should be offered for them only a slight advance over their bullion value.

The Secretary, in the course of his report, considers the propriety of beautifying the designs of our subsidiary silver coins and of so increasing their weight that they may bear their due ratio of value to the standard dollar. His conclusions in this regard are cordially approved.

In my annual message of 1882, I recommended the abolition of all excise taxes except those relating to distilled spirits. This recommendation is now renewed. In case these taxes shall be abolished, the revenues that will still remain to the Government will, in my opinion, not only suffice to meet its reasonable expenditures, but will afford a surplus large enough to permit such tariff reduction as may seem to be advisable, when the results of recent revenue laws and commercial treaties shall have shown in what quarters those reductions can be most judiciously effected.

One of the gravest of the problems which appeal to the wisdom of Congress for solution is the ascertainment of the most effective means for increasing our foreign trade and thus relieving the depression under which our industries are now languishing. The Secretary of the Treasury advises that the duty of investigating this subject be intrusted in the first instance to a competent commission. While fully recognizing the considerations that may be urged against this course, I am nevertheless of the opinion that, upon the whole, no other would be likely to effect speedier or better results.

That portion of the Secretary's report which concerns the condition

of our shipping interests cannot fail to command your attention. He emphatically recommends that as an incentive to the investment of American capital in American steamships, the Government shall by liberal payments for mail transportation, or otherwise, lend its active assistance to individual enterprise, and declares his belief that unless that course be pursued our foreign carrying trade must remain, as it is to-day, almost exclusively in the hands of foreigners.

One phase of this subject is now especially prominent, in view of the repeal by the act of June 26, 1884, of all statutory provisions arbitrarily compelling American vessels to carry the mails to and from the United States. As it is necessary to make provision to compensate the owners of such vessels for performing that service after April, 1885, it is hoped that the whole subject will receive early consideration that will lead to the enactment of such measures for the revival of our merchant marine as the wisdom of Congress may devise.

The three per cent. bonds of the Government to the amount of more than $100,000,000 have, since my last annual message, been redeemed by the Treasury. The bonds of that issue still outstanding amount to little over $200,000,000, about one-fourth of which will be retired through the operations of the sinking fund during the coming year. As these bonds still constitute the chief basis for the circulation of the national banks, the question how to avert the contraction of the currency, caused by their retirement, is one of constantly increasing importance.

It seems to be generally conceded that the law governing this matter exacts from the banks excessive security, and that, upon their present bond deposits, a larger circulation than is now allowed may be granted with safety. I hope that the bill which passed the Senate at the last session, permitting the issue of notes equal to to the face value of the deposited bonds, will commend itself to the approval of the House of Representatives.

In the expenses of the War Department the Secretary reports a decrease of more than $9,000,000. Of this reduction $5,600,000 was effected in the expenditures for rivers and harbors, and $2,700,000 in expenditures for the Quartermaster's Department.

Outside of that Department the annual expenses of all the Army bureaus proper (except possibly the Ordnance Bureau) are substantially fixed charges, which can not be materially diminished without a change in the numerical strength of the Army. The expenditures in the Quartermaster's Department can readily be subjected to administrative discretion, and it is reported by the Secretary of War that as a result of exercising such discretion, in reducing the number of draught and pack animals in the Army, the annual cost of supplying and caring for such animals is now $1,108,085.90 less than it was in 1881.

The reports of military commanders show that the last year has been notable for its entire freedom from Indian outbreaks.

In defiance of the President's proclamation of July 1, 1884, certain intruders sought to make settlements in the Indian Territory. They were promptly removed by a detachment of troops.

During the past session of Congress a bill to provide a suitable fire-proof building for the Army Medical Museum and the library of the Surgeon-General's Office received the approval of the Senate. A similar bill, reported favorably to the House of Representatives by one of its committees, is still pending before that body. It is hoped that during the coming session the measure may become a law, and that thereafter immediate steps may be taken to secure a place of safe deposit for these valuable collections, now in a state of insecurity.

The funds with which the works for the improvement of rivers and harbors were prosecuted during the past year were derived from the appropriations of the act of August 2, 1882, together with such few balances as were on hand from previous appropriations. The balance in the Treasury subject to requisition July 1, 1883, was $10,021,649.55. The amount appropriated during the fiscal year 1884 was $1,319,634.62, and the amount drawn from the Treasury during the fiscal year was $8,228,703.54, leaving a balance of $3,112,580.63 in the Treasury subject to requisition July 1, 1884.

The Secretary of War submits the report of the Chief of Engineers as to the practicability of protecting our important cities on the seaboard by fortifications and other defenses able to repel modern methods of attack. The time has now come when such defenses can be prepared with confidence that they will not prove abortive; and, when the possible result of delay in making such preparation is seriously considered, delay seems inexcusable. For the most important cities—those whose destruction or capture would be a national humiliation—adequate defenses, inclusive of guns, may be made by the gradual expenditure of $60,000,000, a sum much less than a victorious enemy could levy as a contribution. An appropriation of about one-tenth of that amount is asked to begin the work, and I concur with the Secretary of War in urging that it be granted.

The War Department is proceeding with the conversion of 10-inch smooth-bore guns into 8-inch rifles, by lining the former with tubes of forged steel or of coiled wrought-iron. Fifty guns will be thus converted within the year. This, however, does not obviate the necessity of providing means for the construction of guns of the highest power, both for the purposes of coast defense and for the armament of war vessels.

The report of the Gun Foundery Board, appointed April 2, 1883, in pursuance of the act of March 3, 1883, was transmitted to Congress in a special message of February 18, 1884. In my message of March 26, 1884, I called attention to the recommendation of the Board that the

Government should encourage the production at private steel works of the required material for heavy cannon, and that two government factories, one for the Army and one for the Navy, should be established for the fabrication of guns from such material. No action having been taken, the Board was subsequently reconvened to determine more fully the plans and estimates necessary for carrying out its recommendation. It has received information which indicates that there are responsible steel manufacturers in this country who, although not provided at present with the necessary plant, are willing to construct the same and to make bids for contracts with the Government for the supply of the requisite material for the heaviest guns adapted to modern warfare, if a guaranteed order of sufficient magnitude, accompanied by a positive appropriation extending over a series of years, shall be made by Congress. All doubts as to the feasibility of the plan being thus removed, I renew my recommendation that such action be taken by Congress as will enable the Government to construct its own ordnance upon its own territory, and so to provide the armaments demanded by considerations of national safety and honor.

The report of the Secretary of the Navy exhibits the progress which has been made on the new steel cruisers authorized by the acts of August 5, 1882, and March 3, 1883. Of the four vessels under contract, one, the Chicago, of 4,500 tons, is more than half finished; the Atlanta, of 3,000 tons, has been successfully launched, and her machinery is now fitting; the Boston, also of 3,000 tons, is ready for launching, and the Dolphin, a dispatch steamer of 1,500 tons, is ready for delivery.

Certain adverse criticisms upon the designs of these cruisers are discussed by the Secretary, who insists that the correctness of the conclusions reached by the Advisory Board and by the Department has been demonstrated by recent developments in ship-building abroad.

The machinery of the double-turreted monitors Puritan, Terror, and Amphitrite, contracted for under the act of March 3, 1883, is in process of construction. No work has been done during the past year on their armor for lack of the necessary appropriations. A fourth monitor, the Monadnock, still remains unfinished at the navy-yard in California. It is recommended that early steps be taken to complete these vessels and to provide also an armament for the monitor Miantonomoh.

The recommendations of the Naval Advisory Board, approved by the Department, comprise the construction of one steel cruiser of 4,500 tons, one cruiser of 3,000 tons, two heavily-armed gunboats, one light cruising gunboat, one dispatch-vessel armed with Hotchkiss cannon, one armored ram, and three torpedo boats. The general designs, all of which are calculated to meet the existing wants of the service, are now well advanced, and the construction of the vessels can be undertaken as soon as you shall grant the necessary authority.

The act of Congress approved August 7, 1882, authorized the removal

to the United States of the bodies of Lieutenant-Commander George W. De Long and his companions of the Jeannette Expedition. This removal has been successfully accomplished by Lieutenants Harber and Schuetze. The remains were taken from their grave in the Lena Delta in March, 1883, and were retained at Yakutsk until the following winter, the season being too far advanced to admit of their immediate transportation. They arrived at New York February 20, 1884, where they were received with suitable honors.

In pursuance of the joint resolution of Congress approved February 13, 1884, a naval expedition was fitted out for the relief of Lieut. A. W. Greely, United States Army, and of the party who had been engaged under his command in scientific observations at Lady Franklin Bay. The fleet consisted of the steam sealer Thetis, purchased in England, the Bear, purchased at St. John's, Newfoundland, and the Alert, which was generously provided by the British Government. Preparations for the expedition were promptly made by the Secretary of the Navy, with the active co-operation of the Secretary of War. Commander George W. Coffin was placed in command of the Alert, and Lieut. William H. Emory in command of the Bear. The Thetis was intrusted to Commander Winfield S. Schley, to whom also was assigned the superintendence of the entire expedition.

Immediately upon its arrival at Upernavik, the fleet began the dangerous navigation of Melville Bay, and in spite of every obstacle reached Littleton Island on June 22, a fortnight earlier than any vessel had before attained that point. On the same day it crossed over to Cape Sabine, where Lieutenant Greely and the other survivors of his party were discovered. After taking on board the living and the bodies of the dead, the relief ships sailed for St. John's, where they arrived on July 17. They were appropriately received at Portsmouth, N. H., on August 1, and at New York on August 8. One of the bodies was landed at the former place. The others were put on shore at Governor's Island, and, with the exception of one which was interred in the National Cemetery, were forwarded thence to the destinations indicated by friends. The organization and conduct of this Relief Expedition reflects great credit upon all who contributed to its success.

In this, the last of the stated messages that I shall have the honor to transmit to the Congress of the United States, I cannot too strongly urge upon its attention the duty of restoring our navy as rapidly as possible to the high state of efficiency which formerly characterized it. As the long peace that has lulled us into a sense of fancied security may at any time be disturbed, it is plain that the policy of strengthening this arm of the service is dictated by considerations of wise economy, of just regard for our future tranquillity, and of true appreciation of the dignity and honor of the Republic.

The report of the Postmaster-General acquaints you with the present condition and needs of the postal service.

It discloses the gratifying fact that the loss of revenue from the reduction in the rate of letter-postage recommended in my message of December 4, 1882, and effected by the act of March 3, 1883, has been much less than was generally anticipated. My recommendation of this reduction was based upon the belief that the actual falling off in receipts from letter-postages for the year immediately succeeding the change of rate would be $3,000,000. It has proved to be only $2,275,000.

This is a trustworthy indication that the revenue will soon be restored to its former volume by the natural increase of sealed correspondence.

I confidently repeat, therefore, the recommendation of my last annual message that the single-rate postage upon drop letters be reduced to one cent wherever the payment of two cents is now required by law. The double rate is only exacted at offices where the carrier system is in operation, and it appears that at those offices the increase in the tax upon local letters defrays the cost not only of its own collection and delivery, but of the collection and delivery of all other mail matter. This is an inequality that ought no longer to exist.

I approve the recommendation of the Postmaster-General that the unit of weight in the rating of first-class matter should be one ounce instead of one-half ounce as it now is. In view of the statistics furnished by the Department it may well be doubted whether the change would result in any loss of revenue; that it would greatly promote the convenience of the public is beyond dispute.

The free-delivery system has been lately applied to five cities, and the total number of offices in which it is now in operation is one hundred and fifty-nine. Experience shows that its adoption, under proper conditions, is equally an accommodation to the public and an advantage to the postal service. It is more than self-sustaining, and for the reasons urged by the Postmaster-General may properly be extended.

In the opinion of that officer it is important to provide means whereby exceptional dispatch in dealing with letters in free-delivery offices may be secured by payment of extraordinary postage. This scheme might be made effective by employment of a special stamp whose cost should be commensurate with the expense of the extra service.

In some of the large cities private express companies have undertaken to outstrip the Government mail-carriers by affording, for the prompt transmission of letters, better facilities than have hitherto been at the command of the Post-Office.

It has always been the policy of the Government to discourage such enterprises, and in no better mode can that policy be maintained than in supplying the public with the most efficient mail service that, with due regard to its own best interests, can be furnished for its accommodation.

The Attorney-General renews the recommendation contained in his report of last year touching the fees of witnesses and jurors.

He favors radical changes in the fee bill, the adoption of a system by

which attorneys and marshals of the United States shall be compensated solely by salaries, and the erection by the Government of a penitentiary for the confinement of offenders against its laws.

Of the varied governmental concerns in charge of the Interior Department, the report of its Secretary presents an interesting summary. Among the topics deserving particular attention I refer you to his observations respecting our Indian affairs, the pre-emption and timber-culture acts, the failure of railroad companies to take title to lands granted by the Government, and the operations of the Pension Office, the Patent Office, the Census Bureau, and the Bureau of Education.

Allusion has been made already to the circumstance that, both as between the different Indian tribes and as between the Indians and the whites, the past year has been one of unbroken peace.

In this circumstance the President is glad to find justification for the policy of the Government in its dealing with the Indian question, and confirmation of the views which were fully expressed in his first communication to the Forty-seventh Congress.

The Secretary urges anew the enactment of a statute for the punishment of crimes committed on the Indian reservations, and recommends the passage of the bill now pending in the House of Representatives for the purchase of a tract of 18,000 square miles from the Sioux reservation. Both these measures are worthy of approval.

I concur with him also in advising the repeal of the pre-emption law, the enactment of statutes resolving the present legal complications touching lapsed grants to railroad companies, and the funding of the debt of the several Pacific railroads under such guaranty as shall effectually secure its ultimate payment.

The report of the Utah Commission will be read with interest.

It discloses the results of recent legislation looking to the prevention and punishment of polygamy in that Territory. I still believe that if that abominable practice can be suppressed by law it can only be by the most radical legislation consistent with the restraints of the Constitution.

I again recommend, therefore, that Congress assume absolute political control of the Territory of Utah, and provide for the appointment of commissioners, with such governmental powers as in its judgment may justly and wisely be put into their hands.

In the course of this communication reference has more than once been made to the policy of this Government as regards the extension of our foreign trade. It seems proper to declare the general principles that should, in my opinion, underlie our national efforts in this direction.

The main conditions of the problem may be thus stated:

We are a people apt in mechanical pursuits and fertile in invention; we cover a vast extent of territory rich in agricultural products and in

nearly all the raw materials necessary for successful manufacture; we have a system of productive establishments more than sufficient to supply our own demands; the wages of labor are nowhere else so great; the scale of living of our artisan classes is such as tends to secure their personal comfort and the development of those higher moral and intellectual qualities that go to the making of good citizens. Our system of tax and tariff legislation is yielding a revenue which is in excess of the present needs of the Government.

These are the elements from which it is sought to devise a scheme by which, without unfavorably changing the condition of the workingman, our merchant marine shall be raised from its enfeebled condition and new markets provided for the sale, beyond our borders, of the manifold fruits of our industrial enterprises.

The problem is complex, and can be solved by no single measure of innovation or reform.

The countries of the American continent and the adjacent islands are for the United States the natural marts of supply and demand. It is from them that we should obtain what we do not produce or do not produce in sufficiency, and it is to them that the surplus productions of our fields, our mills, and our workshops should flow, under conditions that will equalize or favor them in comparison with foreign competition.

Four paths of policy seem to point to this end.

First, a series of reciprocal commercial treaties with the countries of America which shall foster between us and them an unhampered movement of trade. The conditions of these treaties should be the free admission of such merchandise as this country does not produce, in return for the admission free or under a favored scheme of duties, of our own products—the benefits of such exchange to apply only to goods carried under the flag of the parties to the contract; the removal, on both sides, from the vessels so privileged of all tonnage dues and national imposts so that those vessels may ply unhindered between our ports and those of the other contracting parties, though without infringing on the reserved home coasting trade; the removal or reduction of burdens on the exported products of those countries coming within the benefits of the treaties; and the avoidance of the technical restrictions and penalties by which our intercourse with those countries is at present hampered.

Secondly, the establishment of the consular service of the United States on a salaried footing, thus permitting the relinquishment of consular fees not only as respects vessels under the national flag, but also as respects vessels of the treaty nations carrying goods entitled to the benefits of the treaties.

Thirdly, the enactment of measures to favor the construction and maintenance of a steam carrying marine under the flag of the United States.

Fourthly, the establishment of an uniform currency basis for the countries of America, so that the coined products of our mines may

circulate on equal terms throughout the whole system of commonwealths. This would require a monetary union of America, whereby the output of the bullion-producing countries and the circulation of those which yield neither gold nor silver could be adjusted in conformity with the population, wealth, and commercial needs of each. As many of the countries furnish no bullion to the common stock, the surplus production of our mines and mints might thus be utilized and a step taken toward the general remonetization of silver.

To the accomplishment of these ends, so far as they can be attained by separate treaties, the negotiations already concluded and now in progress have been directed, and the favor which this enlarged policy has thus far received warrants the belief that its operations will ere long embrace all, or nearly all, the countries of this hemisphere.

It is by no means desirable, however, that the policy under consideration should be applied to these countries alone. The healthful enlargement of our trade with Europe, Asia, and Africa should be sought by reducing tariff burdens on such of their wares as neither we nor the other American States are fitted to produce, and thus enabling ourselves to obtain in return a better market for our supplies of food, of raw materials, and of the manufactures in which we excel.

It seems to me that many of the embarrassing elements in the great national conflict between protection and free trade may thus be turned to good account—that the revenue may be reduced so as no longer to overtax the people, that protective duties may be retained without becoming burdensome, that our shipping interests may be judiciously encouraged, the currency fixed on firm bases, and above all such an unity of interests established among the states of the American system as will be of great and ever increasing advantage to them all.

All treaties in the line of this policy which have been negotiated or are in process of negotiation contain a provision deemed to be requisite under the clause of the Constitution limiting to the House of Representatives the authority to originate bills for raising revenue.

On the 29th of February last I transmitted to the Congress the first annual report of the Civil Service Commission, together with communications from the heads of the several Executive Departments of the Government, respecting the practical workings of the law under which the Commission had been acting. The good results therein foreshadowed have been more than realized.

The system has fully answered the expectations of its friends in securing competent and faithful public servants and in protecting the appointing officers of the Government from the pressure of personal importunity and from the labor of examining the claims and pretensions of rival candidates for public employment.

The law has had the unqualified support of the President and of the heads of the several Departments, and the members of the Commission

have performed their duties with zeal and fidelity. Their report will shortly be submitted, and will be accompanied by such recommendations for enlarging the scope of the existing statute as shall commend themselves to the Executive and the Commissioners charged with its administration.

In view of the general and persistent demand throughout the commercial community for a national bankrupt law, I hope that the differences of sentiment which have hitherto prevented its enactment may not outlast the present session.

The pestilence which for the past two years has been raging in the countries of the East recently made its appearance in European ports with which we are in constant communication.

The then Secretary of the Treasury, in pursuance of a proclamation of the President, issued certain regulations restricting, and for a time prohibiting, the importation of rags and the admission of baggage of immigrants and of travelers arriving from infected quarters. Lest this course may have been without strict warrant of law, I approve the recommendation of the present Secretary that the Congress take action in the premises, and I also recommend the immediate adoption of such measures as will be likely to ward off the dreaded epidemic, and to mitigate its severity in case it shall unhappily extend to our shores.

The annual report of the Commissioners of the District of Columbia reviews the operations of the several departments of its municipal government. I ask your careful consideration of its suggestions in respect to legislation—especially commending such as relate to a revision of the civil and criminal code, the performance of labor by persons sentenced to imprisonment in the jail, the construction and occupation of wharves along the river front, and the erection of a suitable building for District offices.

I recommend that, in recognition of the eminent services of Ulysses S. Grant, late General of the Armies of the United States and twice President of this nation, the Congress confer upon him a suitable pension.

Certain of the measures that seem to me necessary and expedient I have now, in obedience to the Constitution, recommended for your adoption.

As respects others of no less importance, I shall content myself with renewing the recommendations already made to the Congress, without restating the grounds upon which such recommendations were based.

The preservation of forests on the public domain, the granting of Government aid for popular education, the amendment of the Federal Constitution so as to make effective the disapproval by the President of particular items in appropriation bills, the enactment of statutes in regard to the filling of vacancies in the Presidential office, and the determining of vexed questions respecting Presidential inability are measures which may justly receive your serious consideration.

As the time draws nigh when I am to retire from the public service, I cannot refrain from expressing to the members of the National Legislature with whom I have been brought into personal and official intercourse my sincere appreciation of their unfailing courtesy and of their harmonious co-operation with the Executive in so many measures calculated to promote the best interests of the Nation.

And to my fellow-citizens generally I acknowledge a deep sense of obligation for the support which they have accorded me in my administration of the Executive Department of this Government.

CHESTER A. ARTHUR.

WASHINGTON, *December* 1, 1884.

FOREIGN RELATIONS.

LIST OF PAPERS, WITH THEIR SUBJECTS.

ARGENTINE REPUBLIC.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
1	Mr. Thomas O. Osborn to Mr. Frelinghuysen (No. 390).	Oct. 24	Political: Argentine Congress closed its session on 22d instant; few bills passed; the bill to borrow $80,000,000, to call in the 6 per cent. and issue 5 per cent. bonds defeated; great excitement over the bill to prevent teaching of religious dogmas in public schools. Defeated in the Senate by one vote. Separation of church and state probable in near future.	1
		1884.		
2	Same to same (No. 417).....	May 6	Political: Opening of Congress and reading of the President's message; Argentine Republic at peace with all nations; increased immigration; great progress has been made in railroad and telegraph construction; revenues of the nation are in good condition, and there is a surplus over expenditures; increase of foreign commerce.	2
3	Same to same (No. 419).....	June 16	Church and state: Dismissal by the Government of the Catholic bishop of Cordova for issuing a pastoral letter prohibiting parents from sending their children to schools where Protestant teachers are employed; the bishop refuses to accept his dismissal, asserting that his first duty is to obey instructions from Rome rather than the laws or orders of the national Government; the separation of church and state will probably be the final result.	3
4	Same to same (No. 422).....	June 26	Church and state: The bill presented by the Liberal party abolishing sectarian test and teaching in the schools of the national capital has passed the Chamber of Deputies. As it takes a two-thirds vote of one chamber to defeat a bill passed in the other, and as this cannot be obtained in the Senate, the bill will become a law.	4
5	Same to same (No. 437)	Oct. 11	Church and state: Discussion in the Chamber of Deputies on the proposition to suppress seminaries for the education of priests which the Government has heretofore supported; great excitement and bitter feeling in consequence; probable success of the anti-clericals and consequent separation of church and state.	4
6	Same to same (No. 438)	Oct. 16	Church and state: Dr. Maltera, the Catholic apostolic delegate, given his passports and ordered to leave the Argentine Republic in twenty-four hours for interfering with the laws and authorities of the country; Dr. Maltera had anathematized the normal school at Cordova because Protestants had been employed by the Government to teach the sciences; he promised to remove the anathema providing the directress, an American and Protestant, obtained certain promises from the minister of worship; she was sharply reprimanded for writing to the Government to that effect; Dr. Maltera is charged with fomenting agitation in the country.	5

AUSTRIA-HUNGARY.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
7	Mr. Taft to Mr. Frelinghuysen (No. 124).	Mar. 17	Military service demanded from the sons of Anton Wurglitz by the Government of Hungary: Anton Wurglitz, a native of Hungary, emigrated to the United States (where his three sons were born) in 1851, and became a naturalized American citizen; he returned to Hungary in 1867, purchased land, and has since remained, having been elected the chief magistrate of his town in 1879; he makes claim of American citizenship to shield his sons from the necessity of performing military service; as he has shown no disposition to return to the United States, Mr. Taft holds that he has no just claim to protection as an American citizen, but must be held to have renounced his citizenship.	6
8	Same to same (No. 140).....	May 13	Impressment into the Austrian military service of Vitus Taxacher: Taxacher was examined for military service when nineteen years of age, but being then found not competent he was ordered to present himself in a year's time; during that year he emigrated to the United States and became an American citizen; on his return to Austria on a visit he was enrolled in the army; on Mr. Taft's presentation of the case Taxacher was discharged; incloses correspondence with foreign office.	9
9	Mr. Frelinghuysen to Mr. Francis (No. 2).	Aug. 7	Mormon proselytizing in Austria-Hungary: It is reported in a New York newspaper that Austria has adopted measures to prevent this, and has ordered the Vienna police to arrest all Mormon missionaries engaged in obtaining emigrants for Utah. Any steps taken by the Austrian authorities to repress such unlawful enterprises by Mormon agents who are operating beyond the reach of American laws should be promptly recognized as in the interest of good feeling and morality. Mr. Francis is instructed to investigate the facts, and if found as stated, to convey the thanks of the United States to Austria.	10
10	Mr. Taft to Mr. Frelinghuysen (No. 155).	Aug. 12	Mormon proselytizing in Austria: Orders have been given by Austrian Government to prevent Mormon agents from the United States from making converts; Mr. Taft has expressed the appreciation of the United States at this action.	11
11	Mr. Francis to Mr. Frelingsen (No. 8).	Sept. 24	Mormon proselytizing in Austria: Measures taken by Austria to prevent proselytizing to recruit the Mormon community in Utah; inclosing note from minister for foreign affairs, stating the arrest of a Mormon missionary at Prague, and his reply thanking the Austrian Government for its action. [See Document No. 9.]	11
12	Same to same (No. 24)	Nov. 5	Public debt statement of Austria: Detailed and comparative statement of.	13
13	Same to same (No. 27).....	Nov. 13	Budget of Austria-Hungary: Including estimates of expenditures for 1885, common to both parts of the Austro-Hungarian Empire. There is also a separate budget for Austria and one for Hungary.	15

CORRESPONDENCE WITH THE LEGATION OF AUSTRIA-HUNGARY AT WASHINGTON.

		1884.		
14	Baron Schaeffer to Mr. Frelinghuysen.	Aug. 23	Complaint of Austro-Hungarian consul at Pittsburgh that he was ordered under a local regulation to take down his flag which he had displayed in honor of the Emperor's birthday; Baron Schaeffer requests that the chief of police be reprimanded and the local authorities be instructed as to the treaty rights of consuls.	18
15	Mr. Davis to Baron Schaeffer.	Aug. 23	Complaint of Austro-Hungarian consul at Pittsburgh that he was ordered by the chief of police to take down his flag: An immediate investigation will be made; no doubt a satisfactory conclusion will be reached.	19

CORRESPONDENCE WITH THE LEGATION OF AUSTRIA-HUNGARY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
16	Same to same	1884. Sept. 12	Complaint of the Austro-Hungarian consul at Pittsburgh that he was ordered by the chief of police to take down his flag: The order was issued under a misunderstanding; no insult was intended; the authorities have been informed fully of consular rights under the treaties, which will doubtless be respected in future; encloses letter from governor of Pennsylvania, with a letter from the mayor of Pittsburgh explaining the occurrence.	19
	BELGIUM.			
17	Mr. Fish to Mr. Frelinghuysen (No. 196).	1884. Mar. 31	Trichinæ: Injustice of the exclusion of American pork on account of; incloses an extract from Independence-Belge newspaper, stating that German pork is much more liable to trichinae than American, and announcing the discovery by Professor Bollinger, of Munich, of a new parasite, dangerous to animals and human beings, in German pork.	21
18	Same to same (No. 202)	May 3	Marriage of Americans in the American legation at Brussels: Mr. Orville Reed, who desires to be married in the legation, has been told that the marriage should be performed in accordance with the Belgian law and section 4082 of the Revised Statutes; incloses his correspondence with Mr. Reed.	22
19	Same to same (No. 224).	June 25	Grain imported into Belgium: It is proposed by the clerical party, many of whom are landowners, to impose a tax, as the competition of American and other foreign grain has caused great depression among the agricultural classes; the manufacturing centers will oppose the tax; statistics of the Belgian grain trade given.	24
	BRAZIL.			
20	Mr. Trail to Mr. Frelinghuysen (No. 110).	1884. May 21	Slavery in Brazil: The immense slave traffic previously carried on; rise of abolition societies; passage of the law of September 28, 1871, declaring children of slave mothers born after that date to be free; the law has been evaded; a fund from various sources purchases the freedom of a number of slaves yearly; all the slaves in the province of Ceará have been made free; one-sixth of the population of Brazil are now slaves; necessity of legislation to finish the work of manumission.	27
21	Same to same (No. 116).....	June 27	Monastic realty: Enforcement of the law of June 28, 1870, ordering the conversion of monastic property into national stock, the interest on the investment to be paid during the lifetime of the members; thirty years ago a law was passed prohibiting the creation of new monastic orders, or the increase of those then existing; the orders having schools or hospitals are undisturbed; the law is finally being carried out against the protest of the Pope.	31
22	Same to same (No. 130)	Sept. 16	Immigration to Brazil: Great efforts made by the Government to secure emigrants for agricultural laborers to take the place of the slaves; thus far the efforts have had small results; sparseness of the population of Brazil; there is little inducement for emigrants to settle; many find the contracts reduce them to a servile condition, and run away.	32

CENTRAL AMERICA.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
23	Mr. Hall to Mr. Frelinghuysen (No. 188).	Jan. 3	New constitution of Salvador: This is the third that has been promulgated in twenty years; it states that Salvador is ready to join a Central American federation whenever circumstances permit, and guarantees religious equality; it provides for the immediate re-election of the President, which was not permitted in the previous constitution; this is to permit the constitutional re-election of President Zaldivar—the latter being the reason for the formation of the new constitution.	34
24	Same to same (No. 189).	Jan. 3	New constitution of Salvador: Certain articles are objectionable as being in contravention of international law; it is laid down that foreigners shall not have recourse to diplomatic action, except in cases of denial of justice; it is also held that persons born in the territory of the Republic are Salvadorians, and that a Salvadorian woman by marriage with a foreigner does not lose her Salvadorian citizenship; a similar provision in the Guatemalan constitution was protested against by United States Minister Logan; Mr. Hall has protested under the same instructions; Mr. Logan's note to Guatemalan minister for foreign affairs and Mr. Hall's note of protest are inclosed.	35
25	Same to same (No. 195)....	Jan. 21	New constitution of Salvador: Protest of Mr. Hall against its objectionable provisions; incloses note from the minister for foreign affairs, stating in reply to his protest that Salvador, while dissenting from Mr. Hall's position, will continue to accept diplomatic intervention of foreign representatives in conformity with treaties in force and the general provisions of international law.	37
26	Same to same (No. 241)....	July 25	Abrogation by the Costa Rican Congress of the decree making Limon a free port for ten years, ten months after its promulgation: Hardship and probable loss to American merchants by the immediate execution of the decree; Mr. Hall has reserved all rights of American citizens for losses growing out of the execution of the decree without due notice; the decree making Limon a free port, the repeal, letter from consul at San José letter from an American merchant, and Mr. Hall's note of protest to Costa Rican minister for foreign affairs, are inclosed.	38
27	Mr. Frelinghuysen to Mr. Hall (No. 170).	Aug. 20	Abrogation by the Costa Rican Congress of the decree making Limon a free port of entry for ten years: Mr. Hall's protest against the promulgation of the repeal without previous notice is approved; should Costa Rica deny responsibility for losses sustained by American citizens, Mr. Hall will transmit all claims for losses from transactions anterior to notice of the repeal and urge upon Costa Rica the right of the United States to be fully indemnified for losses by reason of the want of reasonable notice of the repeal.	41
	Mr. Whitehouse to Mr. Davis (No. 2).	Sept. 13	Abrogation, without previous notice, by the Costa Rican Congress of the decree making Limon a free port for ten years: The minister for foreign affairs, in replying to Mr. Hall's protest, claims that Costa Rica has the right to abrogate the decree at any time; a decree has, however, been issued by which "principal articles" can be imported free of duty for use in the district of Limon.	42
29	Mr. Hall to Mr. Frelinghuysen (No. 263).	Oct. 1	Abrogation without previous notice by the Costa Rican Congress of the decree making Limon a free port for ten years: The goods of an American citizen held at Limon for duties have been discharged on the protest of the consul; the minister for foreign affairs of Costa Rica replies to Mr. Hall's protest that Costa Rica has a right to revoke the decree at any time; Mr. Hall replies that claims for damages will be brought for losses arising from failure of due notice of the repeal; correspondence inclosed.	43

CENTRAL AMERICA—Continued.

No.	Faom and to whom.	Date.	Subject.	Date.
		1884.		
30	Mr. Hunter to Mr. Hall (No. 184).	Oct. 13	Abrogation without previous notice by the Costa Rican Congress of the decree making Limon a free port for ten years: Mr. Hall is instructed to report upon the situation and to inform the Department of the modification of the repeal, so far as the free importation of "principal articles" is concerned, that the necessary steps may be taken to protect American interests.	45
31	Mr. Hall to Mr. Hunter (No. 287).	Nov. 25	Abrogation without previous notice by the Costa Rican Congress of the decree making Limon a free port for ten years: As no complaints for losses have reached the legation, there appears no need for further correspondence with Costa Rica. The Government has permitted the free importation of all goods ordered under the guarantees of the former law. The law allowing the free importation of certain articles for use in Limon has not yet gone into effect.	45

CHINA.

		1883.		
32	Mr. Young to Mr. Frelinghuysen (No. 277).	Nov. 8	Mob at Canton caused by the murder of a Chinaman by a Portuguese and an Englishman: Destruction of a portion of the European reservation; incloses letter from consul at Canton, giving an account of the riot, and the note of the consul to the Viceroy asking military protection against the rioters.	46
33	Same to same (No. 297)	Nov. 30	Petroleum trade between the United States and China: It is increasing rapidly; no desire is evinced on the part of the Government to hamper the trade except at Canton and Shanghai, where an additional tax to that allowed by the treaty is exacted; Mr. Young represents to the foreign office that this tax is in violation of the treaty and an injury to the poor in China; he requests refund of the extra tax; Mr. Young's note to Prince Kung is inclosed.	48
		1884.		
34	Same to same (No. 319)	Jan. 6	Claims of foreigners growing out of the riot at Canton: Details the negotiation with the yamên for the appointment of a commission to arbitrate on the amounts to be allowed on the claims; the negotiation fails because of the insistance of the Chinese Government that an examination into the circumstances of the riot should first be made; this the foreign legations refuse; the losses of foreigners will now be settled by representation of their respective Governments.	52
35	Same to same (No. 326).....	Jan. 21	Outbreak against foreigners at Canton fomented by the publication of a proclamation by Imperial Commissioner Pang directing foreigners to leave the city because of the war between France and China: Chinese mobs attack the Christian chapels, and great excitement prevails; Consul Seymour causes the viceroy to issue proclamations enjoining quiet, and order is restored. Mr. Young complains to the yamên against the publication of Commissioner Pang's proclamation.	58
36	Mr. Frelinghuysen to Mr. Young (telegram).	Jan. 22	Obstruction of the port of Canton by the Chinese to prevent possibility of attack by the French: United States minister to Great Britain has had an interview with Lord Granville; the former has been instructed that treaty ports cannot rightfully be closed by either France or China, except by latter for defense; should France agree absolutely not to attack treaty ports, Mr. Young will protest against their obstruction, but not in case of necessary defense.	64
37	Mr. Young to Mr. Frelinghuysen (No. 338).	Jan. 29	Famines in the north of China caused by floods: Mr. Young incloses memorials addressed to the throne proposing to relieve the distress by selling grain to the poor at reduced rates.	64

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
38	Same to same (No. 350)	Feb. 11	Obstruction of the port of Canton by the Chinese to prevent possibility of attack by the French: Protest of the representatives of the United States, Great Britain, and Germany, that by treaty commerce with the ports cannot be obstructed by China, and especially so as war had not been declared; Mr. Young incloses memoranda of the interviews with the yamên of himself, Sir Harry Parkes, and Count Tattenbach; it is finally declared that sufficient space will be left open for vessels to enter the port.	66
39	Same to same (No. 387)	Mar. 21	Settlement by the authorities at Canton of losses caused by the sacking of missionary chapels by Chinese mobs: Mr. Young regrets that the payment of money indemnity is not supplimented by the punishment of the rioters and the issue of proclamations forbidding such demonstrations; correspondence with Consul Seymour at Canton, whose action brought about the settlement, is inclosed.	79
40	Same to same (No. 398)	Mar. 28	Petroleum trade between the United States and China: Mr. Young summarizes the reports received from consuls at the treaty ports; the trade is increasing slowly, with no obstructions by the authorities, except at Foochow, where proclamations forbidding its use have been issued, owing to a conflagration caused by careless handling of the oil, and at Canton, by the imposition of heavy local taxes; suggestions for extending the trade; Mr. Young has again asked attention by the Chinese Government to his protest against the imposition of the additional duties at Canton.	84
41	Same to same (No. 407).....	Mar. 31	Condition of public feeling in China towards foreigners; the consuls report the condition favorable, except at Shanghai, where a restless feeling prevails owing to the nearness to the French operations in Annam; it is not thought that the situation warrants alarm or the advice that Americans should leave the interior for the sea-ports, where they could be protected by war vessels.	88
42	Same to same (No. 413).....	Apr. 1	Settlement by Secretary of Legation Holcombe with the Chinese governor of a difficulty growing out of the purchase of land by American missionaries at Chinanfoo; Mr. Holcombe details his negotiations with the governor, and describes his journey to Chinaufoo, and the extraordinary courtesies paid him by the Chinese officials.	91
43	Same to same (No. 427).....	Apr. 16	Condition of affairs in Southern China: Mr. Young incloses a dispatch from Consul Seymour at Canton, describing the apathetic feeling in regard French operations in Tonquin, and the progress of a Chinese rebellion in the province of Kwangtung.	94
44	Mr. Frelinghuysen to Mr. Young (No. 267).	Apr. 18	Obstruction of the port of Canton by the Chinese to prevent the possibility of attack by the French; the gravity of the question has in great measure been removed by the assurance that a channel of 150 feet will be left open; even under this favorable modification the obstruction of the channel can only be tolerated as a temporary measure, to be removed as soon as the special occasion shall have passed; it cannot be admitted as a precedent.	96
45	Mr. Young to Mr. Frelinghuysen (No. 462).	June 18	Transit passes issued for the passage of foreign goods inland: Consul at Hankow states that the passes are not respected, and that goods are taxed unlawfully; it is admitted that the goods are often the property of Chinese merchants; Mr. Young thinks that the issuing of passes for other than American goods is a fraud on the Chinese treasury, and should not be permitted.	96
46	Mr. Frelinghuysen to Mr. Young (No. 316).	Aug. 6	Immigration of Chinese to the United States: At the request of the Chinese legation, twenty-four Chinese merchants have been allowed to land at San Francisco unprovided with certificates, the law making this requirement having passed after their departure from China.	99

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
47	Same to same (No. 320)	Aug. 8	Transit passes issued for the passage of foreign goods inland: American merchants using such passes for their own goods should be protected from losses arising from violation of treaty by Chinese authorities; American citizens should not be allowed to sell their names for purposes of fraud to native traders, and transit passes so issued are not entitled to protection by our consuls.	100
48	Mr. Young to Mr. Frelinghuysen (No. 494).	Aug. 8	France and China: Fourier convention to arrange basis for a definite treaty; translation of French and Chinese text given, and the variations of expression and intent of the writers pointed out.	101
49	Same to same (No. 495).....	Aug. 12	Claim of Russell & Co. vs. China, for wharf destroyed during riots at Canton, has been paid; this is the only one of the various claims thus far paid.	103
50	Mr. Frelinghuysen to Mr. Young (No. 322).	Aug. 14	Chinese laborers bound for British Columbia and refused permission to land temporarily at San Francisco: Chinese Minister complains of this action; Treasury Department has been asked to formulate the necessary certificate to allow privileged classes to come to United States, after learning from Attorney-General the rights of laborers in transit.	103
51	Mr. Young to Mr. Frelinghuysen (No. 511).	Sept. 16	Neutrality to be observed by Americans in case of war between France and China: As neither China nor France have yet declared war no action will be taken looking towards the acceptance of neutral obligations by Americans in China; cites various instances where the question has arisen; no consensus of opinion among the diplomatic corps.	103

CORRESPONDENCE WITH THE LEGATION OF CHINA AT WASHINGTON.

		1884.		
52	Mr. Cheng Tsau Ju, to Mr. Frelinghuysen.	Feb. 16	Emigration of Chinese to United States: China has temporarily suspended the issue of certificates to those entitled under the treaty to come to United States, in order to adopt more satisfactory measures; the number of Chinese coming to United States is greatly diminishing.	105
53	Mr. Frelinghuysen to Mr. Cheng Tsao Ju.	Feb. 21	Emigration of Chinese to United States: United States appreciate the action of China in temporarily suspending the issue of certificates to Chinese entitled to come to United States until more perfect measures to carry out the treaty of November 17, 1880 are adopted.	105
54	Mr. Cheng Tsao Ju to Mr. Frelinghuysen.	Mar. 7	Emigration of Chinese of exempted classes to United States. Complains that the collector of customs at San Francisco has stated his intention to issue certificates to Chinese merchants on their departure from United States, to be used as evidence of identity on their return; these certificates were formerly issued by the Chinese consul; desires that the latter custom be continued.	106
55	Mr. Frelinghuysen to Mr. Cheng Tsao Ju.	Mar. 11	Emigration of Chinese to the United States: The Treasury Department has been asked for a decision in regard to the certificates which the collector at San Francisco proposes to issue to departing Chinese merchants who intend to return to the United States.	108
56	Same to same.....	Mar. 19	Emigration of Chinese to the United States: The collector of customs at San Francisco has been directed by the Secretary of the Treasury to accept, as *prima facie* evidence of the holder's right to return to the United States, the certificates issued by the Chinese consul at San Francisco to departing Chinese merchants.	108
57	Mr. Cheng Tsao Ju to Mr. Frelinghuysen.	July 12	Emigration of Chinese: Complains that the collector at San Francisco has refused to allow Chinese bound for British Columbia to land while awaiting a steamer to take them to their destination, points out the hardship of this action, and requests that such Chinese be allowed to land on transit certificates issued by the Chinese consul.	109

CORRESPONDENCE WITH THE LEGATION OF CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
58	Mr. Tsai Kwok Ching to Mr. Frelinghuysen.	July 31	Emigration of Chinese to United States: Complains that twenty-four Chinese merchants, provided with certificates issued by the Chinese consul, are not allowed to land by the collector of customs; as these certificates have been already declared sufficient by the Secretary of the Treasury, he requests that the merchants be allowed to land.	112
59	Mr. Davis to Mr. Tsai Kwok Ching.	July 31	Emigration of Chinese to United States: Refusal of collector at San Francisco to allow twenty-four Chinese merchants, bearing consular certificates, to land; the Secretary of the Treasury has been requested to telegraph orders to permit their landing, as desired by the legation.	112
60	Same to same	Aug. 2	Chinese emigration to United States: Secretary of the Treasury has telegraphed orders to the collector at San Francisco to allow the twenty-four Chinese merchants, who had been prevented from entering the country on ground of non-compliance with regulations, to land, without exacting evidence required by act of July 5, 1884.	113
61	Mr. Frelinghuysen to Mr. Tsai Kwok Ching.	Aug. 14	Chinese laborers in transit: Refusal of collector at San Francisco to allow Chinese laborers bound for British Columbia to land while awaiting a vessel to take them to their destination, on the ground that they are not in transit through the United States; the case will be referred to the Attorney-General for decision.	113
62	Mr. Tsai Kwok Ching to Mr. Frelinghuysen.	Oct. 4	Chinese emigration to United States: Complains that a number of Chinese merchants who have done business for many years in the United States, and are now returning with their families are forbidden to land at San Francisco, on the ground that the Chinese consular certificates, which they carry, do not comply with the amended restriction act of July 5, 1884.	114
63	Same to same	Oct. 8	Chinese emigration to United States: Certificates to enable Chinese merchants and others of the exempted classes to return to the United States from China or other foreign country; the collector at San Francisco refuses to receive as valid, certificates issued by Chinese consular officers, but demands a certificate issued in China; states that Chinese merchants in United States have large interests in adjacent countries which demand their presence outside the United States; asks if a certificate issued by a Chinese consul will not be in compliance with the amended restrictive emigration act.	115
64	Mr. Frelinghuysen to Mr. Tsai Kwok Ching.	Oct. 17	Emigration of Chinese to United States: Refusal of collector to allow Chinese merchants to land on the ground that their certificates, being issued under the act of 1882, do not conform to those required by the supplementary act of July 5, 1884; as the judges of the United States circuit court at San Francisco have disagreed as to whether any evidence other than that prescribed by the act of July, 1884, can be accepted, the disagreement will have to be decided by the Supreme Court; a speedy decision will be asked.	116
65	Same to same	Oct. 22	Chinese emigration to United States: Certificates to enable Chinese of exempted classes to land in United States; the habeas corpus case of Chew Heong—a test case to decide what form of certificate is necessary under laws of 1882 and 1884—is soon to be tried by Supreme Court; action will be based upon the decision.	117
66	Same to same	Dec. 18	Chinese emigration to United States: A certificate issued by a Chinese consular officer to a Chinese merchant, either departing from the United States or from a foreign port for the United States, will be deemed valid evidence of identity; Chinese laborers will be allowed to cross the United States in transit, and laborers touching a United States port while in transit to foreign countries will also be permitted to land; incloses Treasury circular prescribing regulations for the admission of exempted classes.	118

COLOMBIA.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
67	Mr. Scruggs to Mr. Frelinghuysen (No. 125.)	Nov. 30	Panàma Canal: It was first decided to cut the canal without locks or hindrances of any kind; this has now been found impossible, owing to the difference of tides on the Atlantic and Pacific; gives a newspaper summary of the chief engineer's report advocating locks and and parallel sluices; this will greatly enhance the cost of the canal.	119
68	Same to same (No. 127)	Dec. 8	Loan of $500,000 for two years to Colombia by Panama Canal Company at 6 per cent. interest, and without security; this is exclusive of the $50,000 a year paid by the company for police force along line of the canal; one of the bills drawn has been protested by the company, but will probably be paid.	121
		1884.		
69	Same to same (No. 142)	Mar. 1	Controversy between the Colombian Government and the Panama Canal Company, growing out of the purchase by the company of the controlling interest in the Panama Railway Company, and also touching the payment for a military guard along the line of the canal: The canal company has refused to consider the Colombian demands for idemnity, and negotiations with the company relative to the reclamations have been broken off until Congress shall take action upon them.	121
70	Same to same (No. 156).	May 12	Concessions of territory to the Panama Canal Company by Colombia; 500,000 hectares, besides the grant of land along the line of the canal have been conceded: it is understood that certain tracts of land, including the Island of Coiba, in the bay of Panama, and a large tract in the Chirique district, will be selected and colonized with Frenchmen under the auspices of the French Government.	124

COREA.

		1883.		
71	Mr. Foote to Mr. Frelinghuysen (No. 33).	Oct. 22	Presentation of Mrs. Foote to the King and Queen of Corea and to the heir apparent: The court ladies and the minister of foreign affairs were the only persons present besides the interpreter; this is the first event of the kind in the history of Corea.	124
72	Mr. Frelinghuysen to Mr. Foote (No. 31).	Nov. 12	Embassy from Corea to United States: Min Yong Ik and two of his suite have been offered and have accepted passage to Corea in the United States steamer Trenton.	125
73	Mr. Foote to Mr. Frelinghuysen (No. 46).	Dec. 17	Embassy from Corea to United States: Rumors of their cordial welcome have already reached Corea; beneficent effect predicted in the adoption of Western ideas of civilization, and consequent increase of commercial relations.	125
		1884.		
74	Same to same (No. 70).....	April 29	Commercial prospects in Corea: Only copper cash is used for money, and trade must be done by barter; exclusive of Chinese and Japanese commercial houses, only one American and one British agency have been established; pioneer work in educating the people to the use of foreign wares will entail loss, but the demand will increase with the export of Corean commodities.	126
75	Same to same (No. 83)	June 17	Corean Embassy to United States: Arrival of Min Yong Ik on the United States steamer Trenton on the 31st ultimo; the envoy has expressed his gratitude to Mr. Foote for the kindness shown him in the United States; Min Yong Ik and Mr. Hong will become the leaders of the progressive party.	126
76	Same to same (No. 85).....	June 19	Courtesies shown to the officers of the United States steamer Trenton (in which the Corean embassy returned to Corea): they are made the guests of the Government, a house being provided for their accommodation; they have been presented at court, and marked attentions have been shown to them.	127

COREA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
77	Same to same (No. 103)	1884. Sept 1	Religious toleration in Corea: Mr. Foote has endeavored to bring forward the principle by receiving missionaries of different denominations and expressing his views to the King; the proposed establishment of a mission school and hospital at Seoûl will have the tacit encouragement of the King.	127

FRANCE.

78	Mr. Morton to Mr. Frelinghuysen (No. 464)	1883. Dec. 26	Pork (American): Prohibition of importation of, into France; the decree canceling the prohibition is suspended, owing to a resolution introduced by Paul Bert in the Chamber of Deputies, but opposed by minister of commerce; the question is one of protection, and not affected by the alleged fear of trichinæ in American pork; until parliamentary action is taken American pork will be admitted at Havre, Bordeaux, and Nantes, after examination under the control and expense of the chambers of commerce at those places; this will probably not be agreeable to the protectionists; a French newspaper article fears reprisals.	128
79	Mr. Frelinghuysen to Mr. Morton (telegram)	Dec. 27	Pork (American): Prohibition of importation of, into France; many complaints of injury to large commercial interests of United States, owing to the vacillating action of the French authorities, have been received; Mr. Morton directed to continue his efforts to secure a permanent repeal.	130
80	Mr. Morton to Mr. Frelinghuysen (telegram)	Dec. 28	Pork (American): Prohibition of importation into France; prohibition again in force until Chambers of Deputies passes a bill regulating inspection; pork admitted meantime at Havre, Bordeaux, and Nantes, subject to inspection under direction of local chambers of commerce.	130
81	Same to same (telegram)...	Dec. 28	Pork (American): Prohibition of importation into France; withdrawal of decree of November 27 limits time for admission of American pork to January 20 to ports of Havre, Bordeaux, and Marseilles, instead of Nantes.	130
82	Same to same (telegram)...	Dec. 29	Pork (American): Prohibition of importation into France; statement in Chamber of Deputies that Dr. Dettmar, who investigated trichinosis question, by order of United States, advised that all hogs in districts where trichinæ had made its appearance should be destroyed; full information important.	131
83	Mr. Frelinghuysen to Mr. Morton (telegram).	Dec. 29	Pork (American): Prohibition of importation into France; in report on swine plague (not trichinæ) in 1878-'79, Dr. Dettmar stated incorrectly that the disease was very prevalent, and that diseased animals were sent to market; Mr. Carter, an expert of the Agricultural Department, now investigating trichinosis, reports there is little disease of any kind; Swine Breeders' Association state no disease has occurred in Illinois, Michigan, Indiana, Wisconsin, and Ohio.	131
84	Same to same (telegram)...	1884. Jan. 2	Pork (American): Prohibition of importation into France; Mr. Morton is instructed to represent to France that decree of 29th ultimo only allows three weeks for importation of pork, which will not allow of *bona fide* shipments made before 29th December to reach ports of entry; instructed to ask extension of time to February 1, and entry in case of sailing vessels when showing legitimate shipments before December 29.	131
85	Same to same (No. 413).	Jan. 2	Pork (American): Prohibition of importation into France; incloses telegrams received at the Department urging active efforts by the minister to cause repeal of the prohibition.	132

FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
86	Mr. Morton to Mr. Frelinghuysen (No. 466).	Jan. 3	Pork (American): Prohibition of importation into France; suspension of the decree rescinding the prohibition; Mr. Morton incloses the decree again prohibiting the importation and the report of minister of commerce; the prejudice against American pork is aggravated by the publications in American newspapers, which are used by French protectionists; Mr. Morton is correcting this by disseminating correct information; Minister for Foreign Affairs desires to rescind the prohibition, but has been overruled by the Chambers.	132
87	Mr. Frelinghuysen to Mr. Morton (No. 436).	Jan. 21	Citizenship status of Alfred P. Jacob: As his father became naturalized during his minority, he is an American citizen, and his passport as such should have been respected; as Jacob served his term in the French army without protesting, he is not entitled to indemnity, but France should now recognize his American citizenship and strike his name from the roll.	135
88	Mr. Morton to Mr. Frelinghuysen (No. 483).	Jan. 22	Pork (American): Prohibition of importation into France; details a conference with minister for foreign affairs, in which the latter states that the Government intends to introduce a bill revoking the restrictive decree, and adopting a system of inspection in its place; Mr. Morton assures Mr. Ferry that the retaliatory measures proposed in Congress are not inspired by the Executive; this, Mr. Ferry declares, will facilitate a settlement; Mr. Ferry suggests an inspection of salted meats in United States prior to exportation.	136
89	Same to same (No. 486).....	Jan. 23	Pork (American): Prohibition of importation into France; time allowed for the admission of American pork into France has been extended to February 1, at Mr. Morton's request.	137
90	Same to same (No. 490).....	Jan. 31	Pork (American): Prohibition of importation into France; conference with Mr. Paul Bert reported; Mr. Bert is friendly to American commercial interests, but looks at question from a scientific standpoint, and believes in the existence of trichinæ in American and German pork, but not in French pork; inspection necessray to guard against the introduction of trichinosis as an epidemic; inspection in France not possible, but Mr. Bert believes that an American inspection by Government (not State) officials would solve the difficulty.	138
91	Same to same (No. 494).....	Feb. 5	Citizenship status of Alfred P. Jacob, a naturalized American citizen: He was drafted into the French army and served his term, being considered a Frenchman because he was born before his father's naturalization; when Jacob was first drafted he was advised to protest and submit proofs of his American citizenship to a French court, which is the regular course; this he refused, preferring to have his case presented diplomatically; from this nothing came; enclosed note from minister foreign affairs stating that a court of justice must decide the question of his citizenship; refers to department's 436.	139
92	Same to same (No. 495).....	Feb. 6	Cable Company (Commercial): Permission for the company to land its cable in France has been asked and granted.	141
93	Same to same (No. 500).....	Feb. 8	Pork (American): Prohibition of importation into France; French Academy of Medicine, with one dissenting vote, has declared that the decree prohibiting the introduction of American salted meats can be withdrawn without injury to public health; Mr. Ferry makes inquiry as to steps taken in United States to provide for a Government inspection; replies of Academy of Medicine to the queries propounded by the Government inclosed.	141
94	Mr. Frelinghuysen to Mr. Morton (No. 450).	Feb. 12	Pork (American): Prohibition of importation into France; gratification at the information that the French Government is endeavoring to secure legislation allowing the importation; incloses Ex. Doc. No. 70, House of Representatives, Forty-eighth Congress, first session, giving views of the Executive on the prohibition, which were misrepresented in the telegram to the London Times.	142

FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
95	Mr. Brulatour to Mr. Frelinghuysen (No. 510).	Mar. 6	Pork (American): Prohibition of importation into France; incloses draft of a bill introduced into the Chamber of Deputies providing for the inspection of salted meats at certain ports where the meats may be introduced, the expense of the inspection to be defrayed by the importers.	143
96	Mr. Frelinghuysen to Mr. Morton (No. 474).	Mar. 18	Citizenship status of Alfred P. Jacob: His case is a peculiar one; by United States law he is an American citizen; by French law he is a recognized French citizen through service in the French army; as he has performed the military duty, there is no precise grounds on which his status could be carried before a court; Mr. Morton will ask that his name be stricken off the Army rolls.	145
97	Same to same (No.477).....	Mar. 25	Claim of John B. Foichat *vs.* France, growing out of his imprisonment on charge of evading military service: Foichat is a naturalized citizen; his arrest and imprisonment were illegal and he should be properly indemnified; he was released owing to the efforts of the consul at Lyons; Mr. Morton will investigate all the facts, and if found as stated present the claim to the French Government.	145
98	Mr. Morton to Mr Frelinghuysen (No. 555).	May 6	Citizenship status of Alfred P. Jacob: Facts of his case stated; hardship of his serving four years in a foreign army in spite of his American citizenship; the French executive can only help him, should he apply to the minister of justice for permission to change his nationality; his name will then be stricken from the rolls of the French army; he can also apply to a French court for a decision that he has lost his French citizenship; gives correspondence with French Government.	148
99	Mr. Frelinghuysen to Mr. Morton (telegram).	May 27	Cable Company (Commercial): Concession to land its cable in France; refusal of French postmaster-general to allow the cable to land, except on condition of right of purchase by the Government of the Commercial cable line from Ireland to France; this violates agreement on which French telegraph company was allowed to land cable in United States; Mr. Morton instructed to make proper representations.	150
100	Mr. Brulatour to Mr. Frelinghuysen (No. 571).	June 19	Cable Company (Commercial): Concession to enable it to land its cable in France; France holds that the Commercial Company cannot be assimilated to the French Cable Company, as it has no direct communication with France; the right to revoke the concession on one year's notice is asserted as a general police right; incloses correspondence with minister for foreign affairs; Mr. Brulatour has replied that the position of the French minister of posts and telegraphs cannot be reconciled with the agreement of 1879, permitting the French cable to land in United States.	151
101	Mr. Frelinghuysen to Mr. Morton (telegram).	June 23	Cable Company (Commercial): Concession to enable it to land its cable in France; the French cable was permitted to land in United States at express request of French minister; the concession was granted on the understanding that reciprocal privileges would be granted to Americans desiring to establish transmarine cables connecting with France; the assumption of France of the right to deny the privilege to the Commercial Company on the ground that it is not direct, because landing in Ireland, violates the agreement of 1879; United States has no outlying possessions; the French cable has an intermediate station at St. Pierre.	155
102	Mr. Brulatour to Mr. Frelinghuysen (No. 574).	June 25	Cable Company (Commercial): Concession to enable it to land its cable in France; the right to same treatment for Commercial Cable Company in France as is accorded to French Cable Company in United States insisted upon; note to minister for foreign affairs.	156

FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
103	Mr. Morton to Mr. Frelinghuysen (telegram).	June 28	Statue of "Liberty Enlightening the World," by Bartholdi: French Government desirous of associating itself with Franco-American Union Committee in formal transfer of the statue to Mr. Morton, as representative of the United States; minister of marine to furnish war vessel for its transportation; instructions desired and telegram to read at ceremony on July 4.	157
104	Mr. Frelinghuysen to Mr. Morton (telegram).	June 30	Statue of "Liberty Enlightening the World": Mr. Morton directed by the President to attend the ceremonies at Paris on the presentation of the statue to the United States, to accept the same in the name of his Government and express thanks and appreciation of the gift.	157
105	Mr. Morton to Mr. Frelinghuysen (No. 582).	July 5	Statue of "Liberty Enlightening the World": Ceremony of its presentation to Mr. Morton as the representative of the United States in the name of France; distinguished audience present; speeches expressive of the cordial feeling between France and America; invitation to ceremony from the committee of the Franco-American Union; speech of Count de Lesseps; speech of Mr. Morton; deed of presentation; newspaper account of the ceremony.	158
106	Mr. Brulatour to Mr. Frelinghuysen (No. 585).	July 12	Cable Company (Commercial): Concession to enable it to land its cable in France; correspondence with French Government; minister for foreign affairs holds that the Commercial is not to be treated on the same footing as the French Cable Company, it not being direct; the concession which was previously accepted by the company contained the clauses objected to now; the right to revoke the concession on one year's notice insisted on; the same conditions would be imposed upon Frenchmen under similar circumstances; Mr. Brulatour objects to the suppression clause; the question involved not a particular interest, but a general principle.	164
107	Mr. Frelinghuysen to Mr. Morton (telegram).	July 17	Cable Company (Commercial): Concession to enable it to land its cable in France; the Commercial cable is as direct as the French, both touching at an intermediate point; no cable can be laid not touching at an intermediate station; in case of United States it must be foreign territory, as we have no outlying possessions; denial of this right is denial of reciprocal treatment as agreed upon to American and French companies; right to revoke concession on one year's notice is a condition not imposed on the French company; laws of Congress would affect all cable companies equally; right to same treatment as enjoyed by French company claimed.	167
108	Mr. Morton to Mr. Frelinghuysen (No. 589).	July 22	Cable Company (Commercial): Concession to enable it to land its cable in France; interviews with minister for foreign affairs and minister of posts and telegraphs; arguments reviewed; it is agreed to allow the cable to land, but with the stipulation that France may cancel the concession on one year's notice; offer made to insert a clause that the concession will not be canceled before 1889; the Commercial cable touching in Ireland cannot be assimilated to the French company; fair treatment is evidently intended.	167
109	Mr. Davis to Mr. Morton (telegram).	Aug. 11	Cable Company (Commercial): Concession to enable it to land its cable in France; further conditions alleged to be imposed; rates not to be changed without permission of France; the cable concession may be revoked at any time; American cables shall be subject to London convention; information on these points desired.	171
110	Mr. Morton to Mr. Frelinghuysen (No. 620).	Oct. 3	Cable Company (Commercial): Concession to enable it to land its cable in France; gives at length his negotiation to secure a favorable concession; the right to change the rates is granted, but France refuses to grant a concession which may not be revoked at the will of the Government, this being held a high police right, which no nation should surrender; the	171

FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.	minister of posts and telegraphs finally assents to a memorandum embodying substantially the points desired, and stating that the concession will not, in any case, be revoked before 1889; instructions awaited before taking further action.	
111	Mr. Vignaud to Mr. Frelinghuysen (No. 651).	Oct. 27	Military service case of John B. Foichat, a naturalized American citizen: He was arrested and subjected to harsh treatment for not reporting for military duty when of age; indemnity has been asked and denied; French Government does not deny the facts, but holds that every Frenchman is liable to be called on for military service; refusal is an offense punishable by law; change of nationality, especially for purpose of evading the duty, does not remove the penalty; correspondence with minister for foreign affairs and statement of military governor of Lyons.	174
112	Same to same (No. 665).....	Nov. 13	Citizenship status in France of naturalized foreigners of French birth: French theory of citizenship; it is held to descend by blood; expatriation does not work a change of alliance; citizenship can only be changed by permission of the Government; disabilities and penalties which may follow; the son of every Frenchman subject to performance of military service; *délit d'insoumission;* failure to appear entails liability to punishment; until citizenship is decided by civil court, the person is released on parole; forms to be observed; punishment may follow, even if naturalization is valid, if sought to escape military duty; expulsion from France may follow; diplomatic intervention useless; cases cited; naturalized citizens should be notified of difficulties of returning to France; remedies suggested.	176

CORRESPONDENCE WITH THE LEGATION OF FRANCE AT WASHINGTON.

		1883.		
113	Mr. Frelinghuysen to Mr. Denaut.	Dec. 27	Claims Commission: Question of withdrawal of the case of Le More & Co. *vs.* United States; reviews the discussion carried on by Mr. Blaine and himself, and holds that as the case has already been decided judicially it should be withdrawn, according to the terms of the convention; the case is similar to that of Taylor, which was withdrawn by United States; requests that the French agent be directed to withdraw the case from the Commission's consideration.	183
		1884.		
114	Mr. Roustan to Mr. Frelinghuysen.	Jan. 2	Pork (American): Prohibition of importation of, into France; revocation of prohibitory decree and its suspension, owing to action of Chamber of Deputies; a bill to regulate importation of pork has been introduced; as a temporary measure, pork will be permitted to enter Havre, Bordeaux, and Marseilles until January 20, 1884; inspection will be necessary before sale.	185
115	Mr. Davis to Mr. Roustan..	Jan. 7	Claims Commission: Question of the withdrawal of the case of Le More & Co. *vs.* United States; requests that agent of France before the Commission delay action on the case until the question of its withdrawal shall be decided.	186
116	Mr. Roustan to Mr. Davis..	Jan. 7	Claims Commission: Question of the withdrawal of the claim of Le More & Co. *vs.* United States from its consideration; note from Prime Minister Ferry to United States minister at Paris, stating that he had ordered the case to be postponed, pending a decision as to its withdrawal, but on learning that the commissioners had unanimously decided to consider the case as it stood on the docket, he would allow the case to take its course; Mr. Roustan desires an interview to explain the matter.	186

CORRESPONDENCE WITH THE LEGATION OF FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
117	Mr. Roustan to Mr. Frelinghuysen.	1884. Jan. 11	Claims Commission: Question of the withdrawal of the claim of Le More & Co. *vs.* United States; French Government still in doubt as to whether the case should be considered as previously settled; it is thought that Mr. Le More should have the benefit of the doubt, and that the Claims Commission should decide whether or not the case should be decided by it; Mr. Roustan hopes that this method of settlement will be accepted by the United States.	187

GERMANY.

118	Mr. Sargent to Mr. Frelinghuysen (No. 231).	1884. Jan. 19	Life and accident insurance for workingmen: Bill for this purpose introduced by Prince Bismarck into the Reichstag to ameliorate the condition of the workingmen, and as a means of preventing socialism by quieting discontent; provisions of the bill stated; the bill contemplates the organization of all labor employers in the German Empire into insurance companies, who are to pay the whole indemnity on the lives of their employés, to be under the supervision of an imperial assurance board; the bill very elaborate and complex.	188
119	Mr. Frelinghuysen to Mr. Sargent (No. 198).	Mar. 6	Military service case of S. B. Sternberger, a naturalized American citizen; he has been called upon to perform military service, although provided with a passport; investigation desirable; his passport should not be renewed on its expiration unless there is a *bona fide* intention to return to the United States; letter giving facts in the case.	190
120	Mr. Sargent to Mr. Frelinghuysen (No. 250).	Mar. 9	Opening of the Reichstag; Speech from the throne delivered by deputy; special reference made to the proposed legislation to form a workingman's insurance company to be under the supervision of the Government; a Russian mission lately arrived in Berlin, bearing the Czar's congratulations to the Emperor on the seventieth anniversary of his gaining the Russian Cross of Saint George for gallantry in charging a French column with a Russian regiment at Bar-sur-Aube.	191
121	Same to same (No. 255)	Mar. 13	Fine imposed on the inheritance of Henry Breidenstein (whose father emigrated to United States, and died after taking out his intention papers), on the ground that he failed to perform military duty; as Breidenstein did not become an American citizen, intervention in the son's behalf would be useless, and has not been made.	192
122	Same to same (No. 263).....	Mar. 24	Trichinosis epidemic at Emersleben from eating raw pork from a hog killed in that town: The German Government has issued a circular giving the particulars of the epidemic (503 cases and 66 deaths) and cautioning people to cook pork.	193
123	Same to same (No. 264).....	Mar. 29	Military service case of Oscar Stern; the authorities threaten to draft him in the army during his sojourn in Germany to settle his father's estate; Germany claims the right to expel naturalized citizens of German birth after residing two years in their native country; cites the case of Dr. Geist, who is ordered to leave the country while educating his children; little can be done in such cases except to obtain a short respite; points out the difference in treatment of foreigners in United States.	194
124	Mr. Frelinghuysen to Mr. Sargent (No. 221).	Apr. 3	Fine imposed on the inheritance of Henry Breidenstein for failure to perform military duty: Mr. Sargent's refusal to intervene, on the ground that Breidenstein has never become an American citizen, approved.	195
125	Mr. Everett to Mr. Frelinghuysen (No. 275).	Apr. 12.	Passport refused by legation to Sigismund Jacoby: He was illegally naturalized in United States before the requirements of law were complied with.	196

GERMANY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
126	Mr. Frelinghuysen to Mr. Sargent (No. 227).	Apr. 16	Pork question: Satisfaction at action of German Government in issuing a circular cautioning against the danger of eating raw pork; properly cured pork thought to be free from trichinæ.	196
127	Mr. Frelinghuysen to Mr. Everett (No. 231).	Apr. 21	Military service case of Oscar Stern; his attorney in New York has been advised that his client should not run the risk of remaining in Germany on the expiration of two years, if warned by the Government to depart, unless permission is obtained through the legation.	197
128	Same to same, (No. 246).....	May 23	Passport refused by legation to Sigismund Jacoby: The fact that he was naturalized when only four years in United States, for the purpose of voting, is shown by the papers in the case; the refusal approved.	197
129	Same to same (No. 278)	Aug. 6	Mormon missionaries: Their reported expulsion from Bavaria while endeavoring to secure converts for emigration to Utah; investigation desired; if facts are found as reported, thanks should be extended to the German authorities.	198
130	Mr. Davis to Mr. Everett (No. 280.)	Aug. 18	Pauper emigration to the United States: Persons insane or having permanent disability are prohibited from landing; if likely to be a public charge, their cases are investigated, and if friends are not ready to help them, they are returned to the port from whence they came, at the expense of the steamship company that brought them; letter from commissioners of emigration at New York, and section of act of Congress regulating emigration.	198
131	Mr. Davis to Mr. Kasson (No. 5.)	Aug. 22	Military service demanded of Charles Weniger, a naturalized American citizen: Complaint that the German authorities threaten to seize his inheritance in Königsee to enforce payment of a fine for non-performance of military service; investigation and proper action directed; letter from Weniger and papers giving facts.	199
132	Mr. Kasson to Mr. Frelinghuysen (No. 36.)	Oct. 13	Citizenship status of minor sons of naturalized American citizens: Reports his action on two cases; Ludwig Hausding is refused a passport because born of Saxon parents temporarily in United States, and was never "dwelling in the United States" in the sense of the statute; Johannes Weber is granted a passport on the ground of derived naturalization under section 2172 R. S.	201
133	Same to same (No. 41).....	Oct. 16	Mormon missionaries: Expulsion of three Mormons from Germany for attempting to make converts in Bavaria; incloses reports from the Bavarian Government; the thanks of the United States will be extended for this action on the part of Bavaria.	202
134	Same to same (No. 53).....	Oct. 27	Mormon missionaries: Their expulsion from Bavaria for attempting to make converts for transportation to America; thanks of the United States for this action; Mr. Kasson's note expressing appreciation.	205
135	Same to same (No. 61).....	Nov. 3	Military service cases: Naturalized American citizens from whom military service has been demanded; annual report giving particulars and disposition in each case.	206
136	Same to same (No. 74).....	Nov. 17	Citizenship status of Augustus Reichard, a naturalized citizen of German birth: He asks whether he may remain consecutively more than two years in Germany for his health without losing his American citizenship; Mr. Kasson replies that he may be ordered to leave the country at the expiration of two years, but cannot lose his American citizenship except by his own act; correspondence given.	210
137	Same to same (No. 99)	Dec. 8	Military service demanded of Charles Weniger, a naturalized American citizen: Through action of the legation his name has been stricken from the military rolls and the suit against his inheritance to secure payment of the fine imposed upon him has been discontinued; note from foreign office.	213

GREAT BRITAIN.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
138	Mr. Lowell to Mr. Frelinghuysen (No. 693).	Jan. 17	Fisheries articles of treaty of 1871: Great Britain understands that article 32 relating to the Newfoundland fisheries shall terminate at the same time with the article relating to the Canadian fisheries; correspondence with foreign office.	214
139	Same to same (No. 704).....	Feb. 2	Greely relief expedition: Offer of British ship Alert to the United States as a relief vessel; correspondence between first lord of the admiralty and Mr. Lowell.	215
140	Same to same (telegram)....	Feb. 19	Greely relief expedition: Formal offer of steamer Alert by British Government; she can be ready for sea in three weeks.	216
141	Same to same (telegram) ...	Feb. 20	Greely relief expedition: British Government offers Alert to United States as an unconditional gift, with her equipment; asks if she shall be accepted.	216
142	Mr. Frelinghuysen to Mr. Lowell (telegram).	Feb. 21	Greely relief expedition: Acceptance of the ship Alert as a gift from the British Government for a relief vessel; Mr. Lowell instructed to express the appreciation and cordial thanks of the President and people of the United States.	216
143	Same to same (No. 784).....	Feb. 27	Imprisonment of John R. McCormack in Ireland: He claims $40,000 indemnity of Great Britain; his return to his native country immediately after his American naturalization and his evident intention not to return cause forfeiture of his claim to American intervention: similar cases cited with decisions of attorneys-general; McCormack's letter to the President.	216
144	Same to same (No. 835).....	Apr. 17	Kerosene oil: Duty imposed upon in Ceylon to take effect upon passage of the law; oil in transit from United States not to be exempted; sudden changes in colonial tariffs should not affect *bona fide* shipments en route at the time of passage of the law; adequate relief to American shippers is expected; correspondence from consul at Ceylon, with latter's presentation of case to the Ceylon government.	219
145	Mr. Lowell to Mr. Frelinghuysen (No. 771).	May 13	Kerosene oil: Duty imposed upon in Ceylon; Mr. Lowell's request that oil in transit from United States be exempted from duty has been referred to local government of Ceylon.	222
146	Same to same (No. 877)	Oct. 20	Kerosene oil: Duty imposed upon in Ceylon; government of Ceylon refuses to exempt from duty oil in transit from the United States at time of passage of the law; note to minister for foreign affairs and Mr. Lowell's reply.	222
147	Mr. Frelinghuysen to Mr. Lowell (No. 1006).	Oct. 20	Mormon missionaries: Their reported arrival at Calcutta to obtain recruits for transportation to United States; instructed to request British Government to prevent the proposed shipment of Mormon recruits; letter from consul at Calcutta.	223
148	Mr. Lowell to Mr. Frelinghuysen (No. 895).	Nov. 15	Unclaimed estates in Great Britain: Report upon; vast sums alleged to be due claimants in America by dishonest attorneys; such statements made for purposes of fraud; few estates exist without owners in possession; statute of limitations works in case of real property; proper steps to take to institute proceedings to recover property in Bank of England or in chancery; a reputable attorney should be consulted; the legation unable to prosecute such inquiries; certain noted claims by alleged American heirs stated; they have no foundation.	224

CORRESPONDENCE WITH THE LEGATION OF GREAT BRITAIN AT WASHINGTON.

		1883.		
149	Mr. West to Mr. Frelinghuysen.	June 29	Cable (telegraphic) between Victoria, Vancouver's Island, and Point Angelos, Washington Territory, to connect the Canadian Government and American telegraph systems; request for permission to land the cable in the United States; report of privy council of Canada.	229

CORRESPONDENCE WITH THE LEGATION OF GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
150	Mr. Frelinghuysen to Mr. West.	Sept. 28	Cable (telegraphic) between Victoria, Vancouver's Island, and Point Angelos, Washington Territory, to connect the Government telegraphic system of Canada with the telegraphic system of United States; United States will grant permission for the cable to land on receiving assurances from Canada that reciprocal privileges will be granted to lines formed in United States, Government messages to have precedence and charges to be under the supervision of Congress; extract from President's message, December, 1875; letter from president Puget Sound Telegraph Company stating that his request for permission to lay a cable to Canada has never been replied to by that Government.	230
151	Mr. West to Mr. Frelinghuysen.	Nov. 23	Slaves captured by King of Johanna alleged to have been bought for Dr. Wilson, an American citizen owning an estate in Zanzibar; investigation of Dr. Wilson's conduct requested.	233
152	Same to same	Nov. 30	Seamen of British nativity discharged from United States naval vessels and in destitute condition in foreign ports: Requests views of United States as to whether they should be relieved by United States or British authorities; states case of seaman at Yokohama who was buried by British consul.	233
153	Same to same	Dec. 12	Indians: Remnant of Sitting Bull's band which fled to Canada; they are willing to return to United States if guaranteed immunity for past offenses; views of United States Government desired; report of privy council of Canada.	234
154	Same to same	Dec. 13	Egyptian mixed tribunals: Egyptian Government proposes a prolongation of their powers for a further period of five years; British Government is prepared to assent on condition of immediate application of reforms that may be agreed upon in the mean time.	235
155	Mr. Frelinghuysen to Mr. West.	Dec. 17	Egyptian mixed tribunals: United States will assent to the prolongation in same terms as on previous occasions should the Egyptian Government address a circular to that end to the powers.	235
156	Same to same	Dec. 26	Indians: The proposal to remove Sitting Bull's band from Canada to United States is receiving consideration.	236
		1884.		
157	Mr. West to Mr. Frelinghuysen.	Jan. 2	Cable (telegraphic) between Victoria and Washington Territory to connect Canadian Government system with telegraphic system of United States: Report of privy council of Canada; all conditions prescribed by United States will be complied with subject to rules necessary to prevent competition with Government telegraph lines in Canada.	236
158	Mr. Frelinghuysen to Mr. West.	Jan. 8	Egyptian mixed tribunals: United States has assented to the proposition of the Egyptian Government to prolong their powers for a further term of five years.	237
159	Same to same	Jan. 9	Slaves captured by King of Johanna alleged to be intended for Dr. Wilson, an American citizen living in Zanzibar: United States policy is to discountenance in every way the holding and traffic in slaves by its citizens; its inforcement out of jurisdiction of United States difficult; consul at Zanzibar will investigate.	237
160	Same to same	Jan. 10	Cable (telegraphic) between United States and Canada: Application to land the cable from Canada in Washington Territory is being considered.	238
161	Same to same	Feb. 13	Cable (telegraphic) between United States and Canada: If permission were granted to land the cable in Washington Territory the Canadian wire would compete with Puget Sound Telegraph Company, which would be at a disadvantage; permission must first be granted to latter company to land its cable at Victoria and establish local offices in Canada.	238
162	Same to same	Feb. 16	Cable (telegraphic) between United States and Canada: Permission will be granted the Canadian Government to land the cable in Washington Territory, if the same facilities as are required by the Canadian line are extended to the Puget Sound or any other telegraph company on its landing its cable in British Columbia.	238

CORRESPONDENCE WITH THE LEGATION OF GREAT BRITAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
163	Same to same	Feb. 18	Indians: The remnant of Sitting Bull's band will be received back in United States from Canada when an appropriation for their support has been passed by Congress; they will be granted immunity for past offenses if they promise good behavior.	239
164	Same to same	Apr. 7	Seamen of British nativity discharged from United States naval vessels and in destitute condition in foreign ports: Discharged seamen are not held entitled to relief from United States whether or not United States citizens; when enlisted in United States ports they have right of transportation to United States; it is held that seamen at Yokohama had no claim on United States.	240
165	Mr. West to Mr. Frelinghuysen.	May 1	Lynching of an Indian accused of murder in British Columbia by persons alleged to have come from Washington Territory; the prisoner taken from officers of the law and hanged: this, the first lynching in British Columbia; asks that the lynchers be brought to justice; report of privy council of Canada, and of attorney-general and lieutenant-governor of British Columbia.	241
166	Mr. Frelinghuysen to Mr. West.	May 8	Lynching of an Indian accused of murder in British Columbia by persons alleged to have come from Washington Territory; the case receiving attention.	243
167	Same to same	May 21	Ferry privilege granted by Sarnia, Canada, conflicting with the ferry privilege granted by Port Huron, in United States: Violation of the privilege granted by Sarnia punishable by fine and imprisonment; the application of this rule to American citizens obstructs trade and is in contravention of treaty; complaint of municipality of Port Huron; desires measures by Canada to remove cause of complaint.	243
168	Mr. West to Mr. Frelinghuysen.	May 24	Ferry privilege granted by Sarnia, Canada, conflicting with the ferry privilege granted by Port Huron, in United States: The complaint of Port Huron has been referred to Governor-General of Canada.	245
169	Mr. Frelinghuysen to Mr. West.	June 5	Lynching of an Indian accused of murder in British Columbia by persons from Washington Territory; efforts of American authorities to discover the perpetrators of the outrage; correspondence.	245
170	Mr. West to Mr. Frelinghuysen.	June 12	Lynching of an Indian accused of murder in British Columbia by persons from Washington Territory: The Indian, a boy of fifteen, was in custody of the constable; the Indians believe the boy innocent, and threatened to cross the border and lynch the first white man they met, but were dissuaded by the Indian agent; report of privy council, with account of the outrage.	247
171	Same to same	June 25	Cable (telegraphic) between Canada and United States: Permission desired to land cable in Washington Territory; if the concession is granted Canada will allow a cable or cables from the United States to land, but claims that they shall be under exclusive control of Canada in Canadian territory; the same right shall belong to United States in regard to cables when on American soil; the Government owns the telegraph lines in Canada.	249
172	Mr. Frelinghuysen to Mr. West.	July 8	Ferry privilege granted by Sarnia, Canada, conflicting with the ferry privilege granted by Port Huron, in United States: Letter from Henry McMorran, complaining that American ferry-boats from Port Huron are compelled to land at private wharf of the person to whom the Sarnia ferry privilege is granted; heavy expense and annoyance involved in this innovation.	250
173	Same to same	July 11	Fishery treaty revision: No action yet taken by Congress on suggestion in President's message relative to the appointment of a commission to consider the subject; action on the proposition of Great Britain will be deferred until Congress takes the initiative.	251
174	Mr. West to Mr. Frelinghuysen.	July 12	Fishery treaty revision: He has notified his Government that action on the British proposition will be deferred until December next.	251

CORRESPONDENCE WITH THE LEGATION OF GREAT BRITIAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
175	Mr. Frelinghuysen to Mr. West.	July 17	Lynching of an Indian accused of murder in British Columbia by persons from the United States: Governor of Washington Territory reports his action; efforts to apprehend the perpetrators without result; Department of Justice still pursuing its investigation.	252
176	The Queen to the President (telegram).	July 21	Rescue of Lieutenant Greely and survivors of his party: Congratulations of the Queen; inquiry as to condition of the survivors of the Arctic expedition.	253
177	Mr. West to Mr. Frelinghuysen.	Aug. 11	Western Pacific Islands: Proposed international agreement to regulate the sale of arms, ammunition, dynamite, and alcohol to the natives, in the interest of humanity; asks if the United States is willing to enter into such an agreement.	254
178	Mr. Davis to Mr. West	Aug. 18	Cable (telegraphic): Permission desired by Canada to land cable in Washington Territory; further information is awaited before replying to note of June 25.	254
179	Mr. Frelinghuysen to Mr. West.	Aug. 22	Western Pacific Islands: Proposed international agreement to regulate the sale of arms, ammunition, dynamite, and alcohol to the natives; United States looks with favor upon any humanitarian work; further information desired as to the scope and form of the proposed agreement.	254
180	Same to same.....	Sept. 6	Lynching of an Indian accused of murder in British Colombia by persons from the United States; United States attorney for Washington Territory has given the matter careful attention; owing to the remoteness of the region and its sparse population, witnesses to prove the charge and identify the guilty have not been found; the investigation will be continued.	254
181	Mr. West to Mr. Frelinghuysen.	Nov. 11	Ferries (international) between Canadian and American ports: Conflicts arising from the granting by Canadian authorities and those of United States of ferry privileges between two points to different persons; a conference between United States and Canadian authorities suggested to secure joint action previous to legislative enactment; report of privy council of Canada.	255
182	Mr. Frelinghuysen to Mr. West.	Nov. 21	Ferries (international) between Canadian and American ports: Conference between American and Canadian authorities to secure agreement as to granting of ferry privileges; approves the suggestion; will fix an early day for a conference with the minister.	256

GREECE.

		1883.		
183	Mr. Schuyler to Mr. Frelinghuysen No. 52).	Dec. 8	Pork (American): Prohibition of its importation into Greece; information is awaited from New York and Berlin by the Greek Government, by advice of medical council of Athens, before making a revision of its regulations; outbreak of trichinosis in Germany mentioned in Greek newspapers.	256
		1884.		
184	Mr. Frelinghuysen to Mr. Schuyler (No. 51).	Jan. 8	Pork (American): Prohibition of its importation into Greece; information called for by Greece relative to American pork; trichinosis in Germany due to eating raw pork; this custom not understood to exist in Greece.	257
185	Mr. Schuyler to Mr. Frelinghuysen (No. 61).	31 Jan.	Loan of 170,000,000 francs to be issued by Greece; protracted discussion in the legislative chamber; proceeds to be employed in paying debt to national and Ionian banks; to end forced circulation of bank notes and for expenditures for railroads and naval and military preparations; details of its negotiation; special security provided; specie payments to be resumed.	257

GREECE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
186	Same to same (No. 65)	Feb. 23	Pork (American): Prohibition of its importation abolished, owing to decision of medical council; Mr. Schuyler authorized to send telegram to that effect; reason assigned by newspaper that trichinosis had ceased in America.	259
187	Same to same (No. 68)	Mar. 10	Pork (American): Prohibition of its importation abolished; telegram expressing gratification of United States shown to minister for foreign affairs; circular to foreign legations announcing abrogation of the restriction.	259
188	Mr. Frelinghuysen to Mr. Schuyler (No. 56).	Mar. 17	Pork (American): Prohibition of its importation abolished; telegram expressing appreciation at just action of Greece sent February 26.	260
189	Same to same (No 57).....	Mar. 19	Pork (American): Prohibition of its importation abolished; communication from Greek consul-general at New York making the announcement; Greece satisfied the importation not dangerous to public health.	260
190	Mr. Schuyler to Mr. Frelinghuysen (No. 69).	Mar. 20	Bibles of the American Bible Society: Restriction of their sale in Greece; seizure of Bibles at Ithaca complained of by agent of Bible So-Society; an official conversation with prime minister; as no restriction is imposed in Athens, there should be none in the provinces; sensitiveness of the Greeks in the matter of proselytism; strong feeling in favor of the national church; in constitution religious toleration conceded, but proselytism forbidden; suggests that Bible Society exhaust legal remedies before applying for diplomatic invention.	260
191	Same to same (No. 70)	Mar. 22	Bibles of American Bible Society: Restriction of their sale in Greece; authorities of Ithaca deny that sale has been restricted; agent of Bible Society makes a second complaint; diplomatic action refused; Greek Government pursuing no adverse course; the courts should settle difficulties from over-zeal of minor officials.	262
192	Mr. Frelinghuysen to Mr. Schuyler (No. 61).	May 28	Bibles of American Bible Society: Restriction of their sale in Greece; if law allows sale, rights of American venders must be protected; instructed to use his efforts to secure for American citizens engaged in the occupation the same rights as are granted to other foreigners; letters from secretary of American Bible Society.	262
193	Mr. Schuyler to Mr. Frelinghuysen (No. 77).	June 6	Pork (American): Its importation into Greece permit ed only on certificate of a Greek consul that no disease exists at place of origin; this rule applies to importations from all countries; note from foreign office.	264

HAWAIIAN ISLANDS.

		1883.		
194	Mr. Daggett to Mr. Frelinghuysen (No. 100).	Nov. 14	Population of Hawaii: Statistics of births and deaths 1879-'83; native population steadily decreasing; increase of permanent population since 1878 owing to large immigration of Chinese and Portuguese.	265
195	Mr. Frelinghuysen to Mr. Daggett (No. 43).	Dec. 13	Carrying trade between China and Hawaii: Discrimination on part of Hawaii adverse to the interests of Pacific Mail Steamship Company.	265
196	Mr. Daggett to Mr. Frelinghuysen (No. 106).	Dec. 15	Loan of $2,000,000 negotiated with Claus Spreckels; a writ of mandamus has been issued forbidding the minister of finance from receiving Hawaiian silver coined by Mr. Spreckels for the bonds; this action due to petition of taxpayers.	266
197	Same to same (No. 108).....	Dec. 21	Carrying trade between China and Hawaii: Discrimination by Hawaii against Pacific Mail Steamship Company in matter of transportation of Chinese emigrants; concession given to Oceanic Steamship Company; remonstrance of United States; Hawaii replies that immigration from China being under restriction as a sanitary measure (a matter of domestic control), the Government has right to make special arrangements as deemed fit; contravention of treaty denied; correspondence with minister for foreign affairs.	266

HAWAIIAN ISLANDS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1883.		
198	Same to same (No. 110).....	Dec. 22	Financial: Hawaiian silver coins for which Hawaiian supreme court prohibited the exchange of 6 per cent. bonds, have been recognized as legal tender; custom duty must be paid in United States gold or its equivalent.	275
		1884.		
199	Same to same (No. 116).....	Jan. 15	Financial: Writ of mandamus issued to prevent exchange of 6 per cent. bonds for Hawaiian silver coined by Mr. Claus Spreckels; held not the proper writ; object of petitioners gained by the court holding new coinage does not represent par value; Mr. Spreckels is putting his coin into circulation.	276
200	Mr. Frelinghuysen to Mr. Daggett (No. 47).	Feb. 2	Carrying trade between China and Hawaii: Discrimination by Hawaii against Pacific Mail Steamship Company in matter of transportation of Chinese immigrants; by treaty all American vessels carrying the mails have the privilege to land passengers in Hawaiian ports; a monopoly of the emigrant business granted to any one steamship company is in contravention of the treaty and an unjust discrimination. United States desires that the exclusive privilege to the Oceanic Steamship Company be rescinded.	276
201	Mr. Daggett to Mr. Frelinghuysen (No. 122).	Feb. 15	Financial: Silver coinage; Honolulu Chamber of Commerce has petitioned minister of finance to prevent further introduction of silver coinage, under the Spreckels arrangement, unless withdrawal is made of other silver coinage.	278
202	Same to same (No. 132).....	Mar. 15	Carrying trade between China and Hawaii: Discrimination on the part of Hawaii adverse to the interests of the Pacific Mail Steamship Company in the matter of transporting Chinese laborers; Hawaii holds there is no subject for complaint as no steamship company now holds any authorization to transmit Chinese laborers; further discussion considered unnecessary at present; correspondence.	279
203	Same to same (No. 135).....	Mar. 26	Chinese immigration to Hawaii limited to twenty-five in any one vessel; revocation of further increase of Chinese population intended; shipments in excess of the limit.	281
204	Same to same (No. 138).....	Apr. 14	Chinese immigration to Hawaii: Various orders issued to effect a restriction; arrival of six hundred laborers contracted for under former order; from date the limit of twenty-five Chinese in any one vessel will be enforced; Pacific Mail Steamship Company warned to observe the regulations; note from minister for foreign affairs.	282
205	Same to same (No. 144)	Apr. 30	Financial condition of Hawaii; Receipts for two years ending March 31, 1884, $793,220.63 less than expenditures; estimates for next two years reduced to come within estimated receipts; increase of public debt; its further increase not warranted; great prosperity and overvaluation owing to reciprocity treaty; commercial depression threatened owing to decline in price of sugar, the principal product.	284
206	Same to same (No. 151)	May 31	Commercial condition of Hawaii: Financial crisis predicted owing to declining price of sugar, the principal product; all plantations heavily mortgaged; wages of labor high owing to necessity of importing necessities of life; all land given up to sugar; prices of raw sugars; if sugar cultivation unprofitable Hawaii would relapse to condition of twenty years ago and lose commercial importance.	285
207	Same to same (No. 152)	May 31	Financial condition of Hawaii: Owing to the excessive issue of silver coinage gold is at a heavy premium; cabinet has urged the enforcement of the law requiring customs duties to be paid in United States gold; failure to enforce this law a violation of reciprocity treaty in depriving the free American products of the full benefit accorded to the extent of the discount between the metals.	286

HAWAIIAN ISLANDS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
208	Same to same (No. 153)	May 31	Carrying trade between Hawaii and San Francisco and Australia: Pacific Mail Steamship Company delivers the mails, but declines passenger and freight traffic; general dissatisfaction; this supposed to be result of an understanding with the Oceanic Steamship Company, controlled by Mr. Claus Spreckels.	287
209	Same to same (No. 157)	June 14	Reciprocity treaty: Complaint of Mr. Daggett that receipt of depreciated silver instead of United States gold at custom-houses is a violation of spirit of treaty; this a reduction of duty for other nations than United States; Hayti admits the violation of the spirit of the treaty and promises action by legislature for resumption of collection of duties in United States gold; correspondence.	288
210	Mr. Frelinghuysen to Mr. Daggett (No. 55).	June 20	Commercial condition of Hayti: His 151, relative to disastrous effects of low price of sugar, has been sent to Senate Committee on Foreign Relations and to Treasury.	292
211	Mr. Daggett to Mr. Frelinghuysen (No. 187).	July 24	Financial: Hawaiian and United States gold and silver coins to be accepted at their face value, other coins at their bullion value; customs duties to be collected in United States gold from August 1.	292

HAYTI.

		1883.		
212	Mr. Langston to Mr. Frelinghuysen (No. 593).	Nov. 20	Insurgent steamer La Patrie: President of Hayti asks that it be regarded as a pirate and captured as such; diplomatic corps decline to comply; note from President of Hayti to Mr. Langston, and his reply as dean of diplomatic corps.	293
213	Same to same (No. 594).....	Nov. 20	Insurrection in Hayti: Address of President of Hayti to insurgents of Jacmel and Jérémie threatening bombardment if they refuse to surrender; rights of American citizens reserved; correspondence.	295
214	Mr. Frelinghuysen to Mr. Langston (No. 247).	Dec. 15	Insurgent vessel La Patrie: Approval of course refusing to consider her a pirate; declaration of piracy against insurgent vessels a common expedient of Spanish-American countries; a pirate the enemy of mankind; a revolted vessel the enemy only of the power against which it acts.	297
215	Same to same (No. 248).....	Dec. 15	Bombardment of Jérémie and Jacmel now occupied by insurgents: American citizens have right, as non-combatants, of leaving before bombardment; no national vessel being within reach, Mr. Langston should have arranged for reception of American fugitives and their property on vessel of another nationality; rights of alien non-combatants should be carefully guarded.	297
216	Mr. Langston to Mr. Frelinghuysen (No. 602).	Dec. 17	Claims of foreigners growing out of riots at Port au Prince September 22 and 23, 1883: President of Hayti proposes to settle them by a mixed commission, half the members to be named by Hayti and half by the representatives of countries of the claimants; payment to be left to vote of legislature; claims for losses in other parts of Hayti resulting from insurrection not to be included; C. W. Mossell, E. V. Garrido, Richard Allen, Mrs. A. E. Williams, Mrs. H. Fournier, and Mrs. Maria Hamilton, Americans, present claims; mixed commission not advantageous to settle claims growing out of personal abuse; correspondence.	298
		1884.		
217	Mr. Frelinghuysen to Mr. Langston (No. 265).	Mar. 7	Claims of Americans growing out of riots at Port au Prince. September 22 and 23, 1883: United States assents to proposal of President of Hay i that claims of all foreigners be settled by a mixed commission, and that losses at Port au Prince only shall be considered; right to present any claim diplomatically reserved: Hayti should stipulate in agreement to pay within a fixed time awards made; agreement determined upon should be forwarded to Department before being signed; memorandum of agreement.	301

HAYTI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
218	Mr. Langston to Mr. Frelinghuysen (No. 638).	Apr. 14	Claims of Americans growing out of riots at Port au Prince, September 22 and 23, 1883: instructions of Minister for Foreign Affairs to Haytian commissioners to settle the claims; Great Britain and France have given their assent; claims of their citizens now to be considered by mixed commissions composed of Haytians, English, and French; in case of equal division of vote an umpire to be chosen.	303
219	Mr. Frelinghuysen to Mr. Langston (No. 272).	Apr. 21	Imprisonment of C. A. Van Bokkelen at Port au Prince for debt: He is imprisoned on complaint of his creditors and not allowed to make an assignment; this a violation of treaty; American citizens should have same rights as Haytians; Mr. Van Bokkelen states he holds Haytian bonds which if paid would enable him to pay his debts; Mr. Langston instructed to investigate; letter from C. A. Van Bokkelen.	306
220	Same to same (No. 283).....	July 1	Imprisonment of C. A. Van Bokkelen at Port au Prince for debt: Letter from W. K. Van Bokkelen, his father; his son still held in confinement in violation of treaty; asks intervention of United States minister for recognition of rights and payment of money indemnity.	307
221	Mr. Langston to Mr. Frelinghuysen (No. 647).	July 7	Imprisonment of C. A. Van Bokkelen at Port au Prince for debt: He is arrested and imprisoned on a judgment rendered against him for $3,000; proceedings afterwards brought against him by other parties; his right to assignment denied on ground of his being a foreigner; he claims the right under treaty by which Americans are to enjoy same rights as Haytians; case to be appealed; reversal of decision of lower court not probable; Mr. Van Bokkelen is imprisoned in the military prison, his health not permitting confinement in the common jail.	307
222	Same to same (No. 648).....	July 18	Message of President of Hayti to the Assembly: Topics treated: insurrection; damage to property of foreigners by riots at Port au Prince; claims of foreigners in consequence; commissions already named to settle claims of British, French, and Germans; legislation needed to pay the awards; foreign relations good; appreciation of action of United States in enforcing neutrality.	309
223	Same to same (No. 651).....	July 21	Claims of American citizens growing out of riots at Port au Prince, September 22 and 23, 1883: Refusal of Mr. Langston to assent to fixing of 22d instant as date beyond which no additional claims can be submitted; mixed commissions agreed to by France, Great Britain, and Germany not satisfactory; memoranda presenting claims of American citizens, and proposing a mixed commission of three Americans and three Haytians, and *modus operandi*.	311
224	Same to same (No. 652).....	July 22	Claim of C. W. Mossell *vs.* Hayti for maltreatment of himself and family by soldiers at Port au Prince: $60,000 damages demanded; note to Minister Foreign Affairs presenting claim; statement of Mr. Mossell.	315
225	Same to same (No. 653)	July 22	Claim of E. V. Garrido *vs.* Hayti, for maltreatment by soldiers: $10,000 damages demanded; statement of Mr. Garrido and note to minister for foreign affairs.	317
226	Mr. Davis to Mr. Langston (No. 288).	Aug. 14	Claims of Americans *vs.* Hayti, growing out of riotsat Port au Prince, September 22 and 23, 1883: Approval of his refusal to fix July 22 as a limitation to the presentation of such claims; the date fixed for meeting of commission a reasonable limitation.	319
227	Same to same (No. 289).....	Aug. 15	Imprisonment of C. A. Van Bokkelen at Port au Prince for debt: Course of minister approved; result of appeal as to Mr. Van Bokkelen's right of assignment awaited before giving further instructions.	320
228	Mr. Langston to Mr. Frelinghuysen (No. 661).	Aug. 21	Claims of Americans *vs.* Hayti growing out of riots at Port-au-Prince, September 22 and 23, 1883; Hayti denies right of diplomatic presentation of claims for losses by riots; refuses arrangement with United States differing from that made with other powers, and proposes counter	320

HAYTI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.	plan for a mixed commission; Mr. Langston dissents from these propositions; note from minister of foreign affairs; memorandum of agreement and note of Mr. Langston in reply.	
229	Same to same (No. 662).....	Aug. 21	Claim of C. W. Mossell *vs.* Hayti for maltreatment by Haytian soldiers; consideration by Hayti promised; note from minister for foreign affairs, and notes of Mr. Langston making further representation of the claim.	323
230	Same to same (No. 663).....	Aug. 27	Claim of E. V. Garrido *vs.* Hayti for indemnity for maltreatment by Haytian soldiers and mob; consideration promised by Hayti and further representation of the claim; correspondence with minister for foreign affairs.	326
231	Mr. Frelinghuysen to Mr. Langston (No. 300).	Oct. 1	Imprisonment of C. A. Van Bokkelen at Port au Prince for debt: If decision on appeal on his right of assignment has not been rendered, action to obtain his immediate release should be taken in view of Van Bokkelen's poor health.	329
232	Mr. Langston to Mr. Frelinghuysen (No. 680).	Oct. 30	Claims *vs.* Hayti growing out of riots at Port au Prince September 22 and 23, 1883: Law passed providing for payment inclosed; British, German, Belgian, Danish, French, and Spanish indemnities specially mentioned; United States claims not yet passed upon, but sum voted sufficient for all claims; British representative has protested against six years being required for payment; settlement of American claims insisted upon in the manner already proposed.	329
233	Same to same (No. 683).....	Nov. 8	Imprisonment of C. A. Van Bokkelen at Port au Prince for debt: An immediate decision on the appeal as to his right of assignment and Mr. Van Bokkelen's release urged; minister of justice promises attention.	330
234	Same to same (No. 685).....	Nov. 8	Claims of Americans *vs.* Hayti growing out of riots at Port au Prince September 22 and 23, 1883: President of Hayti proposes to settle claims of Mossell and Garrido by a special commission; Mr. Langston's offer of settlement; right of commission to settle citizenship status of claimants denied; claims for property losses and maltreatment must be paid in reasonable time; incloses note from minister for foreign affairs giving Haytian position and his reply.	331
235	Mr. Davis to Mr. Langston (No. 307).)	Nov. 17	Claims *vs.* Hayti growing out of riots at Port au Prince September 23 and 23, 1883: Approval of his course reported in his 680.	335
236	Same to same (No. 308)	Nov. 19	Imprisonment of C. A. Van Bokkelen at Port au Prince for debt: Incloses letter from W. A. Van Bokkelen, his father; states that period has expired within which objection to his assignment can be made; asks action for his immediate release; imprisonment unduly harsh; every effort for his release should be taken.	335

ITALY.

		1884.		
237	Mr. Davis to Mr. Richmond (No. 87).	July 31	Permission from Italian Government desired to enable Rev. Father V. T. Lanciotto to revisit Italy without molestation: He left Italy to evade military service in 1870 and became a naturalized United States citizen; letters making request for action of legation inclosed.	336
238	Mr. Astor to Mr. Frelinghuysen (No. 95).	Sept. 16	Permission desired from Italian Government to enable Rev. Father V. T. Lanciotto to revisit Italy without molestation in spite of his evasion of military duty: Permission refused; should he return he will be enrolled in the army; note from minister of foreign affairs inclosed.	339

MEXICO.

No.	From and to whom.	Date.	Subject.	
239	Mr. Morgan to Mr. Frelinghuysen (No. 690).	1883. Sept. 21	Claim of captain and owners of American vessel Daylight, sunk off Tampico by Mexican gunboat Independencia: Mexico denies right of diplomatic intervention except upon denial of justice; holds that claimants should seek redress through Mexican department of war and marine, and, failing there, should have recourse to the courts; correspondence inclosed.	340
240	Mr. Frelinghuysen to Mr. Morgan (No. 470).	Nov. 15	Claim of captain and owners of American schooner Daylight, sunk off Tampico by Mexican gunboat Independencia: If investigation of liability of Mexico by department for war and marine is necessary, minister of foreign affairs should order it; a government cannot be sued in its own courts without authorization; Mexico responsible and early settlement hoped for.	343
241	Same to same (No. 477)	Dec. 12	Imprisonment of Capt. George Caleb, of American vessel Adriana, at La Paz, under sentence of smuggling: Instructed to render him every proper assistance; incloses letters from Senator J. F. Miller and Captain Caleb.	344
242	Mr. Morgan to Mr. Frelinghuysen (No. 738).	1884. Jan. 2	Claim of captain and owners of American schooner Daylight, sunk off Tampico by Mexican gunboat Independencia: Note to minister of foreign affairs, requesting settlement; no reply as yet received.	345
243	Mr. Frelinghuysen to Mr. Morgan (No. 492).	Jan. 17	Pardon of Capt. George Caleb, of American vessel Adriana, imprisoned at La Paz for smuggling: Mexican circuit court has confirmed his sentence of five years' imprisonment, commencing from date of his arrest; hardship of case sufficient ground for support of his application for pardon; ends of justice already served; pardon by President of Mexico would be a proof of friendship to United States; instructed to invite executive clemency; letter from consul at La Paz; statement of case.	346
244	Mr. Morgan to Mr. Frelinghuysen (No. 753).	Feb. 18	Pardon of Capt. George Caleb, of American vessel Adriana, imprisoned at La Paz for smuggling: Efforts in his behalf by legation; his pardon asked for; Captain Caleb has petitioned for pardon confessing his guilt; President of Mexico cannot pardon him unless two-fifths of his sentence has been served; petition for pardon made in his behalf by an American; President of Mexico can commute sentence; incloses petition for pardon made by Captain Caleb and by A. P. Cushing, and correspondence with minister for foreign affairs.	348
245	Mr. Frelinghuysen to Mr. Morgan (No. 508).	Feb. 19	Pardon of Captain Caleb, of American vessel Adriana, imprisoned at La Paz for smuggling: Incloses letters from F. R Maytorena and Captain Caleb, detailing the case and trial.	354
246	Same to same (No. 511)	Feb. 23	Pardon of Captain Caleb, imprisoned at La Paz for smuggling: Incloses letter from F. R. Maytorena, exonerating Captain Caleb from guilt.	356
247	Same to same (No. 522)	Mar. 10	Pardon of Captain Caleb, imprisoned at La Paz for smuggling: Approval of Mr Morgan's action in his behalf, as detailed in his 753.	358
248	Same to same (No. 570)	May 17	Claim against Mexico of captain and owners of American schooner Daylight, sunk off Tampico by Mexican gunboat Independencia: Position of Mexico, that the claimants should themselves seek redress, not assented to: Mexico held responsible for the damage, and a speedy settlement expected.	358
249	Mr. Morgan to Mr. Frelinghuysen (No. 773.)	Mar. 21	Imprisonment at Minatitlan without trial of H. C. Walker on false accusation of stealing timber: No proofs brought against him; investigation asked and promised; correspondence and protest of Mr. Walker.	360
250	Same to same (No, 775)	Mar. 25	Claim *vs.* Mexico of captain and owners of American schooner Daylight, sunk off Tampico by Mexican gunboat Independencia: Minister for Foreign Affairs holds that owners must present their claim to department of war and marine, and to courts, if dissatisfied, before diplomatic intervention can be admitted.	362
251	Same to same (No. 784)	.....	Pardon of Captain Caleb, of American vessel Adriana, imprisoned at La Paz for smuggling: President of Mexico refuses to pardon Captain Caleb or commute his sentence; note from Minister of Foreign Affairs and report of Minister of Justice inclosed.	363

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
252	Same to same (No. 820)	June 2	Imprisonment at Minatitlan, without trial, of H. C. Walker on a false accusation of stealing lumber: minister for foreign affairs holds that as he has not been matriculated at foreign office as an American citizen, intervention of legation in his behalf will not be admitted; the untenable position thought to have been abandoned by Mexico; it will be disregarded; no information as to status of case; correspondence with minister for foreign affairs and with H. C. Walker inclosed.	366
253	Mr. Frelinghuysen to Mr. Morgan (No. 595).	June 23	Imprisonment of H. C. Walker at Minatitlan: Instructs Mr. Morgan to disregard the contention; that diplomatic intervention is barred because Mr. Walker is not matriculated at foreign office; United States declines to recognize this pretention; international right of a government to protect its citizens abroad cannot be abridged by a municipal statute.	369
254	Mr. Morgan to Mr. Frelinghuysen (No. 833).	June 26	Claim *vs.* Mexico of owners of American schooner Daylight: Mr. Morgan protests against the position of Mexico that the claimants should seek redress through the department of war and marine and the courts; Mexico held responsible, and a speedy settlement expected.	370
255	Same to same (No. 843).....	July 1	Pardon of Captain Caleb, imprisoned at La Paz for smuggling: Captain Caleb has escaped from La Paz and has gone to San Franciso; letters from consuls at La Paz and Mazatlan.	371
256	Mr. Frelinghuysen to Mr. Morgan (No. 603).	July 7	Imprisonment of H. C. Walker at Minatitlan: Instructed to extend to him every attention consistent with justice and his American citizenship; letter from J. W. Coates, jr., inclosed.	372
257	Same to same (No. 609)	July 11	Islands in Rio Grande claimed by Mexico: Examination of report of original survey proves Morteritos Island to belong to United States; Sabinitos is Mexican territory; question arose from confusion as to position of the island; instructed to confer with minister for foreign affairs and ask withdrawal of Mexican claim to jurisdiction over Morteritos Island; proposed convention to settle ownership of islands in Rio Grande will be considered when present dispute is adjusted.	373
258	Mr. Davis to Mr. Morgan (No. 629).	Aug. 8	Islands in Rio Grande claimed by Mexico: Incloses note from Mexican minister of June 12, stating Mexico's right to Morteritos Island, and transmitting documents in proof.	375
259	Mr. Morgan to Mr. Frelinghuysen (No. 880).	Aug. 12	Islands in Rio Grande claimed by Mexico: Interview with minister for foreign affairs; position of United States stated; Mexico requested to cease claim to jurisdiction over island of Morteritos; convention to determine like disputes in future will be considered; a reply promised as to Morteritos.	375
260	Mr. H. H. Morgan to Mr. Frelinghuysen (No. 896).	Sept. 4	Imprisonment of H. C. Walker at Minatitlan on charge of stealing lumber: Mexico again denies right of diplomatic intervention, owing to Mr. Walker's not being matriculated as a United States citizen; correspondence with consular agent at Coatzacoalcos and minister for foreign affairs inclosed.	377
261	Mr. Frelinghuysen to Mr. H. H. Morgan (No. 672.)	Oct. 16.	Islands in Rio Grande claimed by Mexico: Incloses note from Mexican minister renouncing Mexico's claim to Island of Morteritos; gratification.	379

CORRESPONDENCE WITH THE LEGATION OF MEXICO AT WASHINGTON.

		1884.		
262	Mr. Romero to Mr. Frelinghuysen.	May 24.	Islands in Rio Grande claimed by Mexico: It is reported that United States troops have been ordered to take possession of islands of Morteritos and Sabinos; states they have always belonged to Mexico; request that *statu quo* be maintained until an agreement is reached.	380
263	Same to same.....	June 2.	Islands in Rio Grande claimed by Mexico: Islands of Morteritos and Sabinos were on right of channel when dividing line between United States and Mexico was laid down and belonged to Mexico; although now on left bank, owing to change in channel, they are still held to be Mexican territory.	380

CORRESPONDENCE WITH THE LEGATION OF MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
265	Same to same.....	June 12	Islands in Rio Grande claimed by Mexico: Morteritos was on right bank at time of boundary treaty, and was held to be Mexican territory; subsequently, owing to freshets, it became united to a neighboring island; American and Mexican owners made agreement whereby Mexicans held possession of whole island; Mexican owners finally driven out, owing to decree of an American court, holding that the islands belonged to Americans by accretion, incloses documents in support of Mexican claim to ownership; asks that Mexican authorities on island be not obstructed.	381
266	Mr. Frelinghuysen to Mr. Romero.	July 10	Islands in Rio Grande claimed by Mexico: Reviews and refutes Mexico's position; investigation of the original boundary survey shows that Morteritos Island belongs to the United States.	393
267	Mr. Romero to Mr. Frelinghuysen.	Oct. 9	Islands in Rio Grande claimed by Mexico: Mexico will not insist upon its right over Morteritos, supposing it to be one of islands which belonged to United States by original survey; gratification at accord on the principle involved.	396
268	Mr. Frelinghuysen to Mr. Romero.	Oct. 16	Islands in Rio Grande claimed by Mexico: Gratification at renunciation of Mexico's claim to Morteritos.	397
269	Mr. Cayetano Romero to Mr. Frelinghuysen.	Nov. 21	Islands in Rio Grande claimed by Mexico: States that claim was not renounced to "certain islands," as phrased in Department's note of October 16, but to Morteritos Island.	397
270	Mr. Frelinghuysen to Mr. Cayetano Romero.	Dec. 4	Islands in Rio Grande claimed by Mexico: Explains that phrase "certain islands" used by Department was not intended to prejudice any claim Mexico may have to jurisdiction, but referred to Morteritos; island of Sabinos held to belong to Mexico; boundary treaty of November 12, 1880, will, when ratified, afford basis for settlement of other disputed points.	398
271	Mr. Cayetano Romero to Mr. Frelinghuysen.	Dec. 5	Islands in Rio Grande claimed by Mexico: Expresses satisfaction at explanation of phrase "certain islands" used by Department in connection with renunciation by Mexico of claim to Morteritos Island; Sabinitos Island improperly called Sabinos by Department.	398

PERSIA.

		1884.		
272	Mr. Benjamin to Mr. Frelinghuysen (No. 57).	Feb. 15	Outrages perpetrated upon American missionaries at Hamadan by local authorities: Fines are imposed upon them and on persons selling to them, &c.; dragoman of legation visits Hamadan and procures redress; letter of missionary, complaining of treatment by authorities, inclosed.	399
273	Same to same (No. 73)	June 25	Assault upon the minister's carriage on the public road by the body-guard of the Shah's harem: Foreign ministers alone are allowed to pass the harem on the road; an apology is made and the assailants punished.	400
274	Same to same (No. 82).....	Aug. 19	Missionary difficulties at Hamadan: American missionaries, who had come into possession of an American church as security for a debt, are ousted, and payment of the debt refused; schools also closed; dragoman of legation, by personal visit, obtains temporary fair treatment; on renewal of outrages on appeal to minister for foreign affairs a commissioner is sent to Hamadan, who orders payment of the debt and opening of the schools by the local authorities.	402

PERU.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
75	Mr. Phelps to Mr. Frelinghuysen (No. 51).	Jan. 9	Political situation: Caceres maintains his position; rainy season will make him secure from attack; Iglesias's authority extends only over places held by Chilian troops; election for deputies to be held January 13; civil party keeping aloof; a few of them would strengthen the Government; Chilians hold Lima, and other places are at war with Caceres in spite of declaration of peace; many debts of Government unpaid; delegates will be mostly Iglesias's followers.	403
276	Same to same (No. 53).....	Jan. 23	Political situation: Question of recognition of the Iglesias Government; reports interview with Iglesias minister for foreign affairs; he desires recognition by United States; states that Great Britain and other European nations have expressed intention to recognize, and that United States should naturally take action before them; Mr. Phelps replies that conditions prescribed in President's message of popular adherence to the Government do not get exist; Iglesias is supported by Chilian troops.	404
277	Same to same (No. 55).....	Jan. 23	Political situation: Reply of General Caceres to General Iglesias's appeal to him to submit to his Government; he refuses unless terms of treaty with Chili coincide with his ideas of national honor; no suggestion of means of resistance to Chilian demands; General Caceres has been erected into a sort of national hero; his unopposed entry into Lima was possible on the withdrawal of the Chilians.	406
278	Same to same (No. 58)	Feb. 11	Railroads and rolling-stock belonging to Americans in Peru: Seizures and arbitrary action of Peruvian Government in regard to Oroya and Chancay roads; Mr. Phelps, by personal representation, secured rescinding of decrees of seizure and imposing fines; seizure of railroad and pier at Salaverry and Trujillo detailed; it is unjust as conditions have been complied with; Americans have large ruilroad interests in Peru.	407
279	Same to same (No. 61)	Feb. 13	Political situation: Caceres's commander takes Trujillo and Salaverry, defeating General Iglesias's troops, which go over to enemy; rumor that Chilian troops are to march against Colonel Puga and General Caceres; elections for National Assembly without significance, the people holding aloof; the undertaking by Chilians to put down enemies of General Iglesias's Government would be a confession of absence of Peruvian support.	412
280	Same to same (No. 68)	Mar. 5	Political: Election of General Iglesias as Provisional President by National Assembly, and retention of his cabinet; answer to joint protest against debt articles of peace treaty with Chili not satisfactory; General Pierola to arrive on 8th instant; Assembly declared constitution of 1860 provisionally in force, excepting certain provisions; this removes some embarrassments of General Iglesias's election.	413
281	Same to same (No. 71)	Mar. 10	Debt provisions of peace treaty with Chili: Protest of the powers interested, declaring the articles of the treaty null as affecting their citizens; note from French minister and reply of minister for foreign affairs, refusing to assent to the position. inclosed.	413
282	Same to same (No. 77)	Mar. 26	Railroads belonging to Americans in Peru: Bill introduced in Assembly declaring contract for construction of Oroya Railroad forfeited; the contract has been several times recognized and has been complied with; instructions requested in event of forcible seizure where contracts are unquestionably valid.	416
283	Same to same (No. 78)	Apr. 2	Political situation: Larger part of Peru in control of Caceres and bands of Montoneros; Assembly adjourned to meet in March, 1885; it conferred dictatorial powers on General Iglesias and continued its own existence; General Iglesias promises to regard personal security of citizens; incloses joint note of powers protesting against debt provisions of peace treaty and Peru's reply.	416

PERU—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
284	Same to same (No. 81)	Apr. 2	Railroads belonging to Americans in Peru: Renewed attempt to seize Trujillo Railroad; protest against on ground that courts of law should first decide question of failure to perform contract.	418
285	Same to same (No. 83)	Apr. 8	Bolivia and Chili: Rupture of peace negotiations; Bolivia protests against continued Chilian occupation of Mollendo-Puno Railroad; commercial intercourse by this route with Bolivia broken up by seizure of steamers on Lake Titicaca by Chili; immediate withdrawal of Chilian troops from Peru not probable.	418
286	Same to same (No. 86)	April 11	Bolivia and Chili: Truce signed; Chili recedes from demand for exclusive trade of Bolivia with Pacific through Arica, and right to construct railway from Antofagasta to interior of Bolivia; combinations to secure submission of Caceres fail, owing to further Chilian pretensions; Caceres furnished with funds as only force in Peru to protest against further spoliation by Chili.	419
287	Mr. Frelinghuysen to Mr. Phelps (No. 44.)	April 23	Railroads owned by Americans in Peru: Instructed to protest against any unlawful seizure by the Government, and to state that United States will not recognize validity of any act interferring with vested rights, unless after due process of law.	419
288	Mr. Phelps to Mr. Frelinghuysen.	April 29	Recognition of Iglesias Government: On 24th instant Mr. Phelps presents credentials; German and Salvadorian ministers subsequently present their credentials; Mr. Gibbs, minister to Bolivia, presented as in charge of legation during Mr. Phelps's temporary absence.	420
289	Mr. Gibbs to Mr. Frelinghuysen (No. 94.)	May 7	Recognition of Iglesias Government: Mr. Phelps's request for audience and reply of minister for foreign affairs, and Mr. Phelps's address and President Iglesias's reply inclosed.	420
290	Same to same (No. 95)	May 7	Recognition of Iglesias' government: France and Argentine Republic have recognized the Government; all powers of importance have now recognized it.	422
291	Mr. Frelinghuysen to Mr. Gibbs (No. 1).	May 19	Bolivia: Instructed as minister to Bolivia to omit no discreet effort to secure to that country any benefits that may flow from recognition of General Iglesias' government.	422
292	Same to same (No. 3)	May 19	Railroad contracts belonging to Americans declared forfeited by Peru extrajudicially: United States will not recognize as valid decrees interfering with contract rights of American citizens where Peru is a party.	422
293	Same to same (No. 4)	May 19	Claims and rights of United States citizens *vs.* Peru: Negotiation for settlement of, hoped for now that General Iglesias' government has been recognized.	423
294	Mr. Gibbs to Mr. Frelinghuysen (No. 100).	May 21	Political situation: Decrees issued against political opponents of the Government and against the press; wretched financial condition of Government; shifts to secure revenue; desertions of Government troops frequent; Caceres' forces occupy many places; gradual withdrawal of Chilian troops.	423
295	Same to same (No. 117).....	July 9	Political: Decree of General Iglesias calling for new election for President, Vice-President, senators, and deputies; this action caused by demands of General Caceres with which General Iglesias thinks it prudent to comply on departure of Chilians; correspondence held between member of General Iglesias' cabinet and General Caceres; the latter agrees to lay down arms if a new cabinet shall be formed which shall choose a new President; evacuation by Chilians to be completed by end of July.	424
296	Mr. Phelps to Mr. Frelinghuysen (No. 129).	Aug. 20	Political situation: Leaders of civil party banished from Lima; General Caceres occupies most of Peru and is encamped within 8 miles of Lima; attack looked for daily; proposition made to General Caceres to name prefects of departments to be appointed by General Iglesias, and that General Iglesias shall not be candidate for election to Presidency; Caceres declining the proposals loses him adherents in Lima; delay of attack on Lima favorable to Covernment.	427

PERU—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
297	Same to same (No. 132)	Sept. 2	Political situation: Attack of General Caceres upon Lima and his repulse; detailed account; his forces disorganized; he retreats to Arequipa; protracted civil war probable; General Pierola's influence thought to have aided General Iglesias; fines and imprisonment of Caceres' adherents not likely to conduce to permanent government; country around Lima orderly; stagnation everywhere.	428
298	Same to same (No. 136)	Sept. 10	Political situation: Defeat of General Caceres has strengthened the Government; Government holds Ica and has closed Mollendo to shipping; rigid scrutiny of telegrams and censorship of press; troops dispatched to north.	430
299	Same to same (No. 138)	Sept. 17	Political situation: Censorship of press prevents publication of military movements; Mollendo under paper blockade; Lima quiet, but industries prostrated.	430
300	Same to same (No. 139)	Sept. 24	Political situation: General Caceres has issued a proclamation declaring that he will continue war against General Iglesias; Lima quiet, but confidence not increasing.	431
301	Same to same (No. 145)	Oct. 1	Political situation: Caceres' officer at Trujillo making preparations to resist an attack by Government troops; the inhabitants assist him, fearing levying of military fines by Government; fines levied by Government troops at Ica; General Caceres enthusiastically received by troops at Arequipa.	431
302	Same to same (No. 148)	Oct. 6	Murder of Owen Young, an American, by a Peruvian soldier near Pacasmayo: The American flag was flying from his house at the time; punishment of the murderer demanded; letter from consul at Pacasmayo, giving facts, and note to minister for foreign affairs inclosed.	432
303	Same to same (No. 149)	Oct. 9	Political situation: News soon expected of Government's attack upon Trujillo; new Cacerist prefect, popular with the people, chosen; accounts of pillage from all quarters; Lima quiet.	433
304	Same to same (No. 154)	Oct. 22	Political situation: Trujillo captured by Government troops; the city given up to pillage; the Government extending its authority, but not its popularity; heavy military fines imposed; rumored peace commission sent to General Caceres.	433
305	Same to same (No. 165)	Oct. 29	Murder of Owen Young, an American, by a Peruvian soldier, near Pacasmayo; minister for foreign affairs promises prompt investigation; affidavits of witnesses of the murder inclosed.	434
306	Same to same (No. 175)	Nov. 17	Murder of Owen Young by a Peruvian soldier: No apparent effort made to apprehend the murderer, who is now in the army; note to minister for foreign affairs urging action inclosed.	435
307	Same to same (No. 181)	Dec. 1	Murder of Owen Young by a Peruvian soldier: Minister for foreign affairs states that investigation has been ordered; notes inclosed.	436

PORTUGAL.

		1883.		
308	Mr. Francis to Mr. Frelinghuysen (No. 103).	Dec. 22	Railway concession granted by Portugal to Edward McMurdo, an American, to construct railroad from Lourenço Marques, Mozambique, to Pretoria, in the Transvaal: Terms of concession stated.	437
309	Same to same (No. 105)	Dec. 29	Education in Portugal: Report upon its system and expenditures; higher education better provided for than elementary.	438
		1884.		
310	Same to same (No. 107)	Jan. 5	Political: King's speech at opening of Cortes inclosed; deficit in the budget to be met by a loan.	441
311	Same to same (No. 117)	Mar. 5	Financial condition of Portugal: Statistics of receipts and expenditures; public debt equal per capita to that of Great Britain; Government credit good.	443
312	Same to same (No. 130)	Apr. 29	Constitutional reforms: Proposition to remodel the House of Peers by limiting its members, two-thirds to be appointed by King, one-third elected by people; hereditary principle to be abolished; suffrage to be extended; next Cortes will take action.	447

PORTUGAL—Continued.

No.	From and to whom.	Date.	Subject.	Page.
313	Same to same (No. 143)	1884. June 20	Cable concession granted to the "American, British, and Continental Cable Company, Limited," to lay cable from Portugal to the Azores, connecting with Great Britain, France, Spain, and United States; landing in American territory would violate principle that a cable monopoly is not allowed in United States.	448

RUSSIA.

314	Mr. Wurts to Mr. Frelinghuysen (No. 124.)	1884. May 12	Loan of £15,000,000 at 5 per cent.: Its popularity exceeded public expectations; principally taken in Germany and Holland; France took little, England none; its object railway building in Siberia; confidence in Russian finance restored.	449
315	Same to same (No. 127)	May 22	Railroad employés in Russia ordered to become Russian citizens or leave the service and lose right to pension: British and German ambassadors have been unable to mitigate order, it being a domestic regulation; several Americans have asked if, after becoming Russian subjects, they could be naturalized in United States subsequently; Mr. Wurts declines to give advice.	450
316	Mr. Frelinghuysen to Mr. Wurts (No. 103).	June 20	Naturalization in United States of citizens of other countries who had formerly been American citizens permissible: United States recognizes right of expatriation inherent in individual; he can thereafter acquire American citizenship in same manner as any other alien.	451

SIAM.

317	Mr. Halderman to Mr. Frelinghuysen (No. 71).	1883. Dec. 11	Embassy (Siamese) *en route* for United States; incloses correspondence with the foreign office on the subject.	451
318	Same to same (No. 74).....	1884. Jan. 8	Visit to Chantabun, an important Siamese port on Gulf of Siam; description of the country and its products; French influence seeking to establish a line of steamships from Bangkok via Chantabun to Saigon.	452
319	Same to same (No. 84).....	Feb. 23	Mission schools and hospitals at Lakon: Permission requested for Presbyterian mission at Cheng Mai to establish a station there to teach Christianity, with safe conduct and protection to missionaries; correspondence inclosed.	453
320	Same to same (No. 91)	Apr. 9	Missionary schools and hospitals at Lakon: King promises that commissioner at Lakon shall be instructed to obtain the desired protection; state scholars are to be sent to America to be educated.	454
321	Mr. Davis to Mr. Halderman (No. 45).	Apr. 29	Embassy (Siamese) to United States: The President has directed all Departments of Government to extend all possible courtesy to the visiting embassy.	454
322	Mr. Frelinghuysen to Mr. Halderman (No. 47).	May 31	Embassy (Siamese) to United States: Reception by President; courtesies extended to embassy during its sojourn in United States.	455
323	Mr. Halderman to Mr. Frelinghuysen (No. 99).	June 14	Vladivostock, Siberia: Description of the place, its people, their vocations, &c.; does not recommend Americans to locate there.	456
324	Same to same (No. 103).....	July 16	Embassy (Siamese): Appreciation expressed by them for their cordial reception in the United States; incloses letter of Siamese minister at Washington.	457
325	Same to same (No. 109).....	Aug. 1	Present from the Rajah of Tuluban to the Government of the United States of a gold-mounted kris and two gold-mounted spears, of Malay manufacture; the Rajah formerly the recipient of a gold medal and rifle from United States in recognition of his aid to shipwrecked Americans.	458

SIAM—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
326	Same to same (No. 110).....	Aug. 9	Presents from Rajah of Tuluban to United States: Kris and spears presented have been shipped to America; letter from Mr. Halderman to President inclosed.	459
327	Same to same (No. 114).....	Sept. 3	Presentation by Siam to United States of legation premises at Bangkok; description of premises given; appreciation has been expressed to King; incloses note of King's secretary making the presentation.	460
328	Mr. Davis to Mr. Halderman (No. 57).	Sept. 11	Embassy (Siamese) to United States: Gratification at appreciation by embassy of their treatment in America; United States always glad to testify good will to governments desiring to become acquainted with this country.	461
329	Mr. Halderman to Mr. Frelinghuysen (No. 118).	Sept. 15	Mission schools and hospitals at Lakon: Royal edict promised by King, granting protection to missionaries, has not yet been issued; missionary rights should be protected by treaty; incloses correspondence with King's secretary.	461
330	Mr. Frelinghuysen to Mr. Halderman (No. 62).	Sept. 30	Presents from the Rajah of Tuluban to United States of gold-mounted kris and spears: President gratified at evidence of friendliness on the part of Rajah.	463
331	Same to same (No. 68).....	Oct. 24	Presentation by Siam of legation premises in Bangkok to United States: Expresses gratification of President at generous action of King.	463

CORRESPONDENCE WITH THE LEGATION OF SIAM AT WASHINGTON.

		1883.		
332	The King to the President..	July 16	Credentials of Prince Krom Mun Nares as Siamese minister to United States.	463
		1884.		
333	Prince Krom Mun Nares to the President.	May 6	Speech of Prince Krom Mun Nares on the occasion of his presentation of credentials as minister of Siam.	464
334	The President to Prince Krom Mun Nares.	May 6	Credentials of Prince Nares: Reply of President to Prince Nares' address at his presentation.	465

SPAIN.

		1883.		
335	Mr. Foster to Mr. Frelinghuysen (No. 121).	Dec. 15	Slavery in Cuba: Meeting of Spanish Abolition Society; law of 1880, providing for gradual manumission of slaves and their better protection not carried out; unconditional abolition aimed at; fair prospect of success; financial condition of Cuba and Spain would not permit of money compensation; concessions to be made by removing commercial burdens of Cuba; slaves have ceased to be valuable to their owners.	466
336	Same to same (No. 126).....	Dec. 20	Citizenship status of Peter Lucas, born in Spain before his father's naturalization: His father served over twenty-one years in the United States Army, and afterwards became naturalized; the boy has never been out of Spain; asks if he is entitled to a passport at his majority.	467
337	Same to same (No. 128)	Dec. 22	Cattle tax collected by Spanish consul at Key West, on shipments to Cuba and Porto Rico. Is informed that Spain will return amount exacted.	468
338	Same to same (No. 131)	Dec. 27	Discriminating duties: Revocation of fifth article of royal decree of March 12, 1867; merchandise imported from United States into Cuba under Spanish flag, will pay same duties as same character of merchandise imported under other foreign flags; incloses royal decree; minister of state promises speedy adjustment of commercial relations with United States.	468
339	Same to same (No. 132)	Dec. 29	Slavery in Cuba: Official report shows that there are now 99,566 slaves in Cuba as against 385,356 in 1868, before enactment of the Moret emancipation law.	470

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
340	Same to same (No. 134)	Jan. 3	Commercial agreement for Cuba and Porto Rico: The differential flag duties on goods from United States to Antilles to be abandoned; restoration of the Cuban market to Florida fishermen; settlement of question of consular tonnage fees collected in United States ports; removal by United States of extra 10 per cent. ad valorem duty on cargoes from the Antilles under Spanish flag, imposed in retaliation of Spanish differential flag duty; agreement to take effect March 1 next.	471
341	Same to same (No. 135)	Jan. 4	Commercial agreement for Cuba and Porto Rico: Fifth article provides for removal of all discriminating or extra duties; article six framed to meet difficulties arising from export tax in Cuba and Porto Rico, to correct alleged frauds on Spanish treasury by exporters of sugar and tobacco; United States collectors of customs to furnish Spanish consuls with certificates of cargoes of sugar and tobacco brought from the Antilles.	472
342	Same to same (No. 142).....	Jan. 15	Commercial agreement for Cuba and Porto Rico: Consular tonnage fees were prescribed by a law of the Cortes, and legislative authority required to give validity to the stipulation of article 3 abolishing them; incloses royal decree asking approbation of Cortes; suggests President's proclamation suspending 10 per cent. ad valorem duties be delayed until measure passes Cortes.	472
343	Same to same (No. 155).....	Jan. 23	Consular tariff of Spain: Spain has ordered return of cattle tax levied by consul at Key West in excess of 10 per cent.; this excess levied by a misapprehension of regulations; tonnage tax should be entirely abolished; considers it impolitic to press for abolition until concession of article 3 of commercial agreement is obtained from Cortes; history of tonnage tax; correspondence with minister for foreign affairs inclosed.	474
344	Mr. Frelinghuysen to Mr. Foster (No. 126).	Jan. 31	Commercial relations with Cuba and Porto Rico: President's proclamation suspending additional 10 per cent. duty on products from the Antilles brought in Spanish vessels will be prepared for signature; the present regarded as a propitious time for the consideration of a commercial treaty for enlarging West Indian trade; correspondence on the subject has been sent to Congress.	476
345	Mr. Foster to Mr. Frelinghuysen (No. 168).	Feb. 14	Commercial agreement for Cuba and Porto Rico: New agreement entered into with the minister of state in which articles requiring consent of Cortes are omitted; memorandum filed with minister for foreign affairs inclosed; it states that omission of articles 5 and 8 of the former agreement not to be understood as disapproval of negotiations for a commercial treaty affecting Cuba and Porto Rico, which will be proceeded with.	477
346	Same to same (No. 170)	Feb. 15	Commercial agreement for Cuba and Porto Rico: Royal decree embodying text of new agreement and putting it in force published.	479
347	Same to same (No. 184)	Mar. 3	Cuban tariff: Inequality of, as compared with duties collected in Spain; depressing influence of this upon Cuban industries; article on economical condition of Cuba by Senor Portuondo, Cuban Deputy in Cortes, inclosed.	480
348	Mr. Frelinghuysen to Mr. Foster (No. 140).	Mar. 12	Passport regulations in Cuba: Annoyance inflicted upon American visitors owing to failure through ignorance to provide themselves with passports and hindrances in obtaining the necessary *visa;* instructed to obtain cessation of annoyances and injuries by equitable application of the Spanish passport regulations.	482
349	Same to same (No. 141).....	Mar. 13	Commercial agreement for Cuba and Porto Rico: The new agreement, omitting articles 5 and 8 of the former, approved; tonnage duties in Cuba and Porto Rico higher than those in United States ports; omission of article 5 not to be construed as an admission that an equalization of tariffs of United States and Cuba and Porto Rico is no longer desirable.	483

SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
350	Same to same (No. 144).....	Mar. 17	Discriminating duties: Incloses circular of Treasury declaring suspension of discrimination duties on importations in Spanish vessels from Cuba and Porto Rico, with President's proclamation ordering such suspension so long as the products of United States are likewise exempt from discriminating duties.	484
351	Same to same (No. 145).....	Mar. 21	Commercial agreement for Cuba and Porto Rico: Misapprehension of Spanish consul at Baltimore in requestiug of collector of customs periodical certificates of cargoes of sugar, molasses, and tobacco imported at Baltimore; agreement provides for information in answer to specific requests only; general statements cannot be furnished; incloses correspondence with Treasury Department.	485
352	Mr. Foster to Mr. Frelinghuysen (No. 199).	April 1	Passport regulations in Cuba: Spain has been asked to execute its passport regulations so as to relieve United States citizens visiting the island of unnecessary annoyance.	486
353	Same to same (No. 200).....	April 2	Embargoed estates in Cuba: Minister of state states delay in settling the claims necessary; incloses note.	487
354	Same to same (No. 201).....	April 4	Consular Tariff of Spain: Commission has been appointed to revise it; opportunity taken to protest against tonnage dues and ask their abrogation; other representatives will send similar notes; incloses exposition of ministry of state, royal decree, and Mr. Foster's note.	488
355	Mr. Reed t Mr. Frelinghuysen (No. 247).	April 8	Passport regulations in Cuba: Minister of state states that complaints of United States have been referred to minister of ultramar.	490
356	Same to same (No. 249).....	April 16	Customs regulations of Spain: Proposed reform of; commission now engaged on their revision; new regulations will take effect by royal decree and not require approval of Cortes. "Bases" agreed upon inclosed; moiety system of fines recommended to be abolished.	491
357	Mr. Frelinghuysen to Mr. Reed (No. 163.)	April 17	Commercial agreement for Cuba and Porto Rico: Request of Spanish consul at Baltimore for lists of all vessels arriving from Cuba with sugar, molasses, and tobacco; incloses note to Spanish minister, holding that general lists cannot be required under agreement.	492
358	Same to same (No. 165).....	April 24	Consular Tariff of Spain: Hopes expressed of their abolishment by action of tariff revision commission; instructed to manifest interest of United States in subject on proper occasion.	
359	Same to same (No. 167).....	Apr. 30	Neutrality: Violation of, by filibustering expedition against Cuba of Carlos Aguero; Aguero arrested at Key West, but afterwards discharged on account of insufficient proofs; afterwards learned that he was organizing an expedition against Cuba; details elaborate action of Departments of War, Navy, and Justice in frustrating the expedition; war vessels Swatara and Vandalia ordered to Cuban waters to intercept expedition.	493
360	Mr. Foster to Mr. Frelinghuysen (No. 233).	July 28	Cuba and Porto Rico: Law passed giving power to ministry to improve economical and commercial condition of; expenses of public service to be reduced; burdens on Cuban budget to be transferred to that of Peninsula; reduction of export duty on sugar; Spanish tariff to encourage Cuban products; railroad construction to be encouraged; mortgage law to be amended.	496
361	Same to same (No. 251).....	Aug. 23	Cuba: Its depressed condition; inflation of currency of Spanish Bank of Havana; suspension of redemption; heavy depreciation in values; advantage taken by the bank to buy in its own paper, making an alleged profit of $10,000,000; extracts from El Imparcial on colonial reforms inclosed.	498
362	Same to same (No. 264).....	Sept. 16	Consular tariff of Spain: Cattle tax collected by Spanish consul at Key West; incloses note to minister for foreign affairs, urging return of same.	500
363	Same to same (No. 273).....	Oct. 8	Consular tariff of Spain: Cattle tax collected by Spanish consul at Key West; orders have been sent to consul asking information, with a view to returning the tax to persons interested; note of minister for foreign affairs inclosed.	501

CORRESPONDENCE WITH THE LEGATION OF SPAIN AT WASHINGTON.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
364	Mr. Valera to Mr. Frelinghuysen.	Mar. 17	Neutrality: Violation of, by Cuban revolutionists at Key West; threats of attacking Cuba and waging war by aid of dynamite; sympathy with revolutionists expressed by people and officials at Key West; invokes aid of Attorney-General.	502
365	Mr. Frelinghuysen to Mr. Valera.	Mar. 21	Commercial agreement for Cuba and Porto Rico: Request of Spanish consul at Baltimore of collector to furnish full lists of cargoes of sugar, tobacco, and molasses from Cuba; agreement did not contemplate furnishing general lists, but specific information where needed; United States cannot undertake to give general information.	503
366	Mr. Valera to Mr. Frelinghuysen.	Mar. 25	Commercial agreement for Cuba and Porto Rico: Request of Spanish consul of collector at Baltimore to furnish full lists of cargoes of sugar, tobacco, and molasses from Cuba; excess of zeal on part of Spanish consul will be prevented.	504
367	Mr. Frelinghuysen to Mr. Valera.	Mar. 26	Neutrality of United States: Violation of, at Key West through collector of customs joining in demonstration hostile to Spain, on occasion of release of Cuban filibuster Agüero; proper departments have been advised.	504
368	Mr. Valera to Mr. Frelinghuysen.	Mar. 27	Neutrality of United States: Violation of, by projected expedition by Carlos Aqüero against Cuba from Key West; desires it may be prevented.	504
369	Mr. Frelinghuysen to Mr. Valera.	Mar. 29	Neutrality of United States: Violation of, by expedition by Carlos Aqüero against Cuba from Key West; Secretary of Treasury and Attorney-General will investigate and take proper preventive measures.	505
370	Mr. Valera to Mr. Frelinghuysen.	Apr. 10	Neutrality of United States: Violation of, by Cuban refugees at Key West; attempt upon life of Spanish consul feared; desires measures taken for his protection.	505
371	Mr. Frelinghuysen to Mr. Valera.	Apr. 11	Neutrality of United States: Violation of, by Cuban refugees at Key West; threats against life of Spanish consul; agent of Department of Justice will investigate and take measures for his protection and enforcement of neutrality laws.	506
372	Mr. Valera to Mr. Frelinghuysen.	Apr. 12	Neutrality of United States: Violation of, by Cuban refugees at Key West; thanks for measures taken for protection of Spanish consul.	506
373	Same to same	Apr. 14	Neutrality of United States: Violation of, by Cuban refugees at Key West; reiterates thanks for prompt measures to protect Spanish consul.	507
374	Same to same	Apr. 14	Neutrality of United States: Violation of, through attempts against peace of Cuba; Spanish consul at New Orleans reports that an expedition will soon set out from the Gulf.	507
375	Mr. Frelinghuysen to Mr. Valera.	Apr. 15	Neutrality of United States: Violation of, by Cuban refugees at Key West; one Mayol, stated by governor-general of Cuba to be intended assassin of Spanish consul, was arrested on his arrival at Key West and bound over for one month to keep the peace, pending receipt of evidence.	507
376	Same to same	Apr. 16	Neutrality of United States: Violation of, through departure of an expedition against Cuba from New Orleans; investigation will be made, and, if statements verified, expedition will be prevented.	508
377	Mr. Valera to Mr. Frelinghuysen.	Apr. 18	Neutrality of United States: Violation of, through attempts against peace of Cuba; states that steamer Crawford has been purchased by filibusters; asks that her transfer be prevented, and that shipment of arms and explosives from New York and Key West for use of expeditions against Cuba be also prevented.	508
378	Mr. Frelinghuysen to Mr. Valera.	Apr. 18	Neutrality of United States: Violation of, through attempts against peace of Cuba; laws against shipment of dangerous explosives not confined to any one nation; incloses circular of Attorney-General, under which specific overt acts can be prevented; regret if United States laws are not considered adequate.	509
379	Same to same	Apr. 19	Neutrality of United States: Violation of, through attempts against peace of Cuba; complaints of purchase of Crawford by filibusters and shipment of explosives to Cuba referred to Attorney-General.	510

CORRESPONDENCE WITH THE LEGATION OF SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
380	Same to same	Apr. 22	Neutrality of United States: Violation of, through attempts against peace of Cuba; on receipt of specific information Attorney-General will take measures to suppress manufacture of explosives for Cuban filibusters.	510
381	Same to same	Apr. 24	Neutrality of United States: Violation of, through attempts against peace of Cuba; authorities at New York, Mobile, Key West, and New Orleans instructed to check filibustering operations; steamer Crawford withdrawn from sale at Mobile.	510
382	Mr. Valera to Mr. Frelinghuysen.	Apr. 30	Neutrality of United States: Violation of, through expeditions against Cuba; Spanish consuls at New Orleans, Savannah, and Baltimore report expeditions fitting out at those places against Cuba; requests investigation and action.	511
383	Mr. Frelinghuysen to Mr. Valera.	Apr. 30	Neutrality of United States: Violation of, through expeditions against Cuba; Secretary of Treasury and Attorney-General informed of alleged plots at Savannah, New Orleans, and Baltimore.	511
384	Same to same	May 2	Neutrality of United States: Violation of, through expeditions against Cuba; difficulty in investigation of alleged plots owing to inadequate information and lack of coöperation of Spanish consuls.	511
385	Same to same	May 2	Neutrality of United States: Violation of, through expedition againt Cuba; schooner Winfield reported stolen; found adrift; the collectors at New Orleans, Baltimore, and Savannah ordered to sustain neutrality laws.	512
386	Same to same	May 10	Neutrality of United States: Violation of, through attempts against Cuba; special agent at Key West reports that Castro left for neighboring key with a few men; revenue cutter Dix sent to intercept him, followed by naval detachment.	512
387	Same to same	May 16	Neutrality of United States: Violation of, at Key West; Cubans threaten Spanish consul with mob violence; consul declined protection in custom-house; War and Navy Departments will employ means to protect him.	513
388	Same to same	May 17	Neutrality of United States: Violation of, at Key West; report of intended mob violence against Spanish consul exaggerated; consul fears assassination, but declines a guard; minister's opinion as to guard desired.	513
389	Same to same	May 17	Neutrality of United States: Violation of, through attempts against Cuba; district attorney at New York desires to communicate direct with Spanish consul-general as to manufacture of dynamite for filibusters.	514
390	Mr. Valera to Mr. Frelinghuysen.	May 19	Neutrality of United States: Violation of, through attempts against Cuba; Spanish consul at Key West must decide for himself whether a guard is necessary; thinks that public expression of unfriendly sentiments towards Spain by newspapers and speech should be prevented.	514
391	Mr. Frelinghuysen to Mr. Valera.	June 2	Neutrality of United States: Violation of, through attempts against Cuba; naval commander at Key West ready to respond to call of Spanish consul; United States Executive cannot take cognizance of threats, which are subject to judicial action only.	515
392	Mr. Valera to Mr. Frelinghuysen.	June 2	Neutrality of United States: Violation of, through attempts against Cuba; Spanish consul at Key West has been ordered to put himself under protection of United States authorities in case of necessity; Cubans in Key West are attempting to make Spanish consul's residence there intolerable.	516
393	Mr. Frelinghuysen to Mr. Valera.	June 14	Neutrality of United States: Violation of, through attempts against Cuba; no efforts will be spared to maintain neutrality laws.	516
394	Mr. Valera to Mr. Frelinghuysen.	July 12	Neutrality of United States: Violation of, through attempts against Cuba; information of collection of arms, munitions, and dynamite near Savannah, New Orleans, Mobile, Florida Keys, and Turk's Island for transportation to Cuba; asks that the deposits be discovered.	517

CORRESPONDENCE WITH THE LEGATION OF SPAIN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
395	Mr. Frelinghuysen to Mr. Valera.	July 14	Neutrality of United States: Violation of, through attempts against Cuba; rumors of deposits of arms, for transportation to Cuba, near Savannah, New Orleans, Mobile, and Florida Keys, lack definiteness; Turk's Islands out of United States jurisdiction; United States has taken all proper measures to prevent violation of neutrality.	517
396	Same to same	July 14	Neutrality of United States: Violation of, through attempts against Cuba; asks if it is desired that United States steamer Galena remain at Key West; all reported quiet.	518
397	Mr. Valera to Mr. Frelinghuysen.	July 14	Neutrality of United States: Violation of, through attempts against Cuba; has no objections to withdrawal of United States steamer Galena from Key West; thanks for suppression of filibustering expeditions.	518
398	Mr. Frelinghuysen to Mr. Valera.	July 24	Neutrality of United States: Violation of, through attempts against Cuba; report of district attorney at Key West in regard to forfeiture of schooner Shavers and conviction of Diaz, Berry, and Alphonzo, Cuban filibusters.	519
399	Mr. Valera to Mr. Frelinghuysen.	July 31	Neutrality of United States: Violation of, through attempts against Cuba; thanks for action against schooner Shavers and filibusters Diaz, Berry, and Alphonzo, at Key West.	520
400	Mr. Valera to Mr. Hunter	Oct. 7	Neutrality of United States: Violation of, through attempts against Cuba; information that certain Cuban insurgents are publicly conspiring in New York against Cuba and intend to make a manifestation against Spain on 10th instant; asks that it be prevented.	520
401	Mr. Frelinghuysen to Mr. Valera.	Oct. 9	Neutrality of United States: Violation of, through attempts against Cuba; manifestation against Spain, at New York, will be checked if it should be a breach of the peace.	521
402	Same to same	Oct. 29	Neutrality of United States: Violation of, through attempts against Cuba; district attorney at Key West reports no attempts to violate neutrality since conviction of persons assisting the Agüero expedition.	521

SWEDEN AND NORWAY.

		1883.		
403	Mr. Thomas to Mr. Frelinghuysen (No. 25).	Nov. 8	Celebration of the anniversary of the victory and death of Gustavus Adolphus at Lützen: Display of the legation flag; its appreciation.	522
404	Same to same (No. 29)	Nov. 30	Steamship communication (direct) between Sweden and United States: New line; steamers will sail monthly from Gothenburg to New York; large trade likely in wheat and pork from America, and iron from Sweden; large emigration from Sweden; importance of the commerce between the two countries.	523
405	Same to same (No. 35)	Dec. 26	Steamship communication between Sweden and United States: Steamers of Direct Swedish Steamship Line will sail from Stockholm to New York and Boston; description of the vessels, which are owned in England; corn, flour, agricultural machinery, and fruits can be advantageously imported from United States.	526
		1884.		
406	Same to same (No. 65)	May 3	Steamship communication (direct) between United States and Sweden: Leipzig, the pioneer steamship of the new line, sailed for New York May 1, from Gothenburg.	528
407	Same to same (No. 72)	May 31	Steamship communication (direct) between Sweden and United States: Departure of pioneer vessel of "Direct Swedish Steamship Line;" description of passengers and cargo; American merchants should take advantage of facilities offered for direct trade.	528

SWITZERLAND.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
408	Mr. Cramer to Mr. Frelinghuysen (No. 126).	Mar. 25	Expulsion of anarchists from Switzerland: Three Germans and a Bohemian expelled for plotting against the public safety of Germany and Austria.	529
409	Same to same (No. 137).....	April 18	Patrimonies and legacies left in Switzerland to American citizens of Swiss birth: Numerous requests for good offices of the legation; legation declines to act officially, but vice-consul-general has attended to such matters; unless Swiss law of expatriation is complied with local authorities not willing to surrender property or legacies; suggests that requirements of Swiss law be made public in United States.	530
410	Same to same (No. 139).....	April 22	Constitutional provision in Switzerland by which the people can vote directly upon laws passed by the Assembly if 30,000 persons demand it; since the adoption of the revised constitution in 1874 the *referendum* has been ten times adopted; the action of the people has been conservative; this a pure democracy.	531
411	Mr. Frelinghuysen to Mr. Cramer (No. 95).	July 3	Property left in Switzerland to naturalized Americans of Swiss birth: Difficulties in collecting such claims show the need of a proper naturalization treaty; attention called to instruction of October 19, 1882; requirements of Swiss law relative to naturalization have been given to the press.	532

TURKEY.

		1883.		
412	Mr. Heap to Mr. Frelinghuysen (No. 303).	Dec. 15	Assault upon Messrs. Reynolds and Knapp, American missionaries, by Kurds, near Bitlis: The assailant was identified, but subsequently released; Turkey evinces no intention to punish the assailant; incloses letter from Mr. Knapp relative to identity of assailant and correspondence with minister for foreign affairs.	532
		1884.		
413	Mr. Frelinghuysen to Mr. Wallace (No. 148).	Jan. 17	Assault upon Messrs. Reynolds and Knapp, near Bitlis: United States regards the case made out and identification of principal assailant complete; aggrieved parties have fullest right to justice; no further instructions needed, but case should be pressed to speedy conclusion.	535
414	Mr. Wallace to Mr. Frelinghuysen (No. 315).	Jan. 24	Naturalized American Jews residing in Jerusalem: Minister for foreign affairs states that certain Russian Jews have unlawfully claimed American citizenship; Mr. Wallace replies that if naturalized Americans they are entitled to protection, and United States consul has been so instructed; correspondence inclosed.	535
415	Same to same (No. 317).....	Jan. 25	Claims for indemnity growing out of assault upon Messrs. Reynolds and Knapp, near Bitlis: Case reviewed; £1,500 claimed for Mr. Knapp and £2,000 for Mr. Reynolds; note to minister for foreign affairs inclosed.	537
416	Same to same (No. 318).....	Jan. 26	Registration of American citizens in Turkey by Turkish authorities: Turkey desires to register all foreigners; evident design to take jurisdiction of validity of naturalization of American citizens of foreign birth in Turkey; Mr. Wallace consents to the registration provided no question is raised as to validity of citizenship; correspondence with minister for foreign affairs inclosed.	539
417	Same to same (No. 322).....	Feb. 6	Attack upon Messrs. Reynolds and Knapp by Kurds, near Bitlis: Minister for foreign affairs' note inclosed; it merely repeats assurances of former notes; no reply to demand for indemnity; recall of governor of Betlis said to be decided upon, but not put into effect.	542
418	Same to same (No. 327).....	Feb. 14	Citizenship status of Jews resident in Jerusalem claiming to be American citizens: Instruction to consul-general as to action to be taken by consul at Jerusalem; he has beendirected to investigate cases and protect *bona fide* citizens.	543

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
419	Mr. Frelinghuysen to Mr. Wallace (No. 153).	Feb. 23	Claim of money indemnity for assault upon Messrs. Reynolds and Knapp: United States reluctantly compelled to resort to money indemnity owing to denial of justice by Porte.	544
420	Mr. Wallace to Mr. Frelinghuysen (No. 337).	Feb. 28	Claim of Dr. Maurice Pflaum *vs.* Turkey for imprisonment in charge of battery of a sergeant: Porte refuses pecuniary indemnity, and claims that Turkish tribunal at Axos had right to try and convict in absence of consular delegate; Mr. Wallace replies, controverting this position as in contravention of treaty rights; correspondence inclosed.	544
421	Mr. Frelinghuysen to Mr. Wallace (No. 157).	Feb. 29	Registration of American citizens in Turkey by Turkish officials: No obligation on part of United States to make a registry of its citizens abroad; failure to register not to bar proof of citizenship; Mr. Wallace's conditions on which lists shall be furnished to Porte, implying responsibility on part of United States officers to perfect lists, and that consular certificates shall be conclusive proof of citizenship, not approved; instructed to remodel his proposition to minister for foreign affairs.	546
422	Mr. Wallace to Mr. Frelinghuysen (No. 340).	Mar. 1	Claim for indemnity of Messrs. Reynolds and Knapp, attacked by Kurds, near Bitlis: Refusal of minister for foreign affairs to consider question of indemnity; his note inclosed.	548
423	Same to same (No. 350).....	Mar. 12	Citizenship status of Jews resident at Jerusalem claiming to be American citizens: Turkey disclaims intention of contesting the validity of their naturalization, but desires to discover their true status; correspondence inclosed.	549
424	Same to same (No. 353).....	Mar. 22	Claim of Messrs. Reynolds and Knapp *vs.* Turkey for assault near Bitlis: Turkey shows no intention to punish Moussa Bey, the principal assailant; note from foreign office promising justice inclosed.	550
425	Mr. Frelinghuysen to Mr. Wallace (No. 162).	Mar. 25	Citizenship of Jews resident in Palestine claiming to be naturalized Americans: Naturalized citizens will be protected; persons who have declared intention to become United States citizens held not to have renounced their original allegiance, but to have a quasi right to protection against claim of third power to their allegiance; no one can be naturalized outside of American jurisdiction.	551
426	Same to same (No. 168).....	Mar. 26	Claim of Messrs. Reynolds and Knapp *vs.* Turkey for assault: United States does not consider that court at Bitlis has done its duty; this denial of justice is subject to redress through diplomatic channel.	552
427	Same to same (No. 169).....	Mar. 27	Medicine: Practice forbidden in Turkey to graduates of the American College at Beirut; same treatment desired for them as enjoyed by practitioners of other countries resident in Turkey; college at Beirut desires charter, with power to grant degrees in medicine and surgery, or certificate from Government giving validity to their diplomas; instructed to obtain this concession; dispatches from consul at Beirut and consul-general at Constantinople inclosed.	553
428	Mr. Wallace to Mr. Frelinghuysen (No. 357).	Mar. 28	Registration of American citizens in Turkey by Turkish officials: Has withdrawn his note to Porte prescribing conditions on which United States consuls will furnish lists in deference to Department's 157.	556
429	Same to same (No. 358).....	Mar. 28	Petroleum storage concession: Efforts to secure for Americans a compromise on equality with Russians; incloses identic note addressed to minister for foreign affairs by Russian minister and Mr. Wallace; circumstances favorable to success.	557
430	Same to same (No. 362).....	Apr. 4	Claim of Messrs. Reynolds and Knapp *vs.* Turkey for assault near Bitlis: Governor of Bitlis has been dismissed; this action probably too late to secure punishment of Moussa Bey, the assailant; incloses letter from Mr. Knapp stating that Moussa Bey was released by authorities, after identification, through bribery.	558

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
431	Mr. Frelinghuysen to Mr. Wallace (No. 174).	Apr. 8	Citizenship status of Jews resident in Jerusalem and claiming to be American citizens: No necessity for discussing contention of Turkey that no change of allegiance is made unless persons have been resident in country of their allegiance; rights which persons may have acquired who have expressed intention to change allegiance for United States citizenship reserved.	560
432	Mr. Wallace to Mr. Frelinghuysen (No. 374).	Apr. 16	Medicine: Practice forbidden in Turkey to graduates of American College at Beirut; prospect of gaining a concession recognizing right of persons holding medical diplomas of the college to practice not encouraging; gives reasons; Sultan's interest will be enlisted; American colleges receive as generous treatment as those of other nationalities in Turkey.	561
433	Same to same (No. 378).....	Apr. 21	Petroleum storage concession: Minister for foreign affairs in favor of lessening the charges at present collected to 70 paras a case; council of ministers will decide the matter; minister of interior favorable; note from minister for foreign affairs inclosed.	562
434	Same to same (No. 381).....	Apr. 25	Claim of Messrs. Reynolds and Knapp *vs.* Turkey, growing out of assault: Minister for foreign affairs states strenuous efforts are being made to arrest Moussa Bey, the assailant; British vice-consul at Van states that he was found, but allowed to escape.	563
435	Mr. Heap to Mr. Frelinghuysen (No. 388).	May 14	Claim of Dr. Maurice Pflaum *vs.* Turkey for imprisonment in violation of treaty: Note from minister for foreign affairs refusing to take further action inclosed.	564
436	Mr. Frelinghuysen to Mr. Wallace (No. 192).	May 20	Claim of Messrs. Reynolds and Knapp *vs.* Turkey for assault: Nothing further to be done in face of assurances of justice being done but await result; information from British vice-consul of events at Bitlis desirable; such courtesy highly appreciated.	565
437	Same to same (No. 196).....	May 28	Bibles of American Bible Society: Restrictions imposed upon their sale in Turkey; if law allows sale of Holy Scriptures, rights of American venders should be protected in every way.	565
438	Mr. Heap to Mr. Frelinghuysen (No. 396).	June 4	Commercial treaty of 1862: Turkey holds it will cease to exist on June 5; Mr. Heap replies that United States does not consider the treaty ended, but if Turkey persists in the denunciation United States falls back on treaty of 1830, which remains in full force; correspondence with minister for foreign affairs inclosed.	566
439	Same to same (No. 402).....	June 19	Bibles of American Bible Society: Restrictions imposed upon their sale in Turkey; complaint brought to attention of Porte; question in fair way of adjustment, but time necessary for orders to reach provincial authorities; difficulties of sale come less from Mohammedan than from Christian sects.	567
440	Mr. Frelinghuysen to Mr. Heap (No. 207).	June 30	Claim of Dr. Maurice Pflaum *vs.* Turkey for imprisonment by Turkish authorities; no objection to awaiting examination of case by minister of justice; if Porte finds Turkish execution of sentence justifiable, instructed to protest as in violation of article 4 of treaty of 1830.	567
441	Same to same (No. 208).....	July 1	Commercial treaty of 1862: Denunciation of, by Turkey; protocol submitted by United States for a *modus vivendi* in support of Porte's general proposal was never considered by Turkey.	568
442	Same to same (No. 214).....	July 17	Bibles of American Bible Society: Complaint that Bibles printed in Arabic are refused entry by customs officers at Constantinople on ground that their contents are not easily read; instructed to take proper action; thanks of American Bible Society for previous action of legation.	568
443	Mr. Heap to Mr. Frelinghuysen (No. 414).	July 18	Missionaries (American) in Armenia: Complaint of obstructions thrown in their way by mutilation of books and prevention of their sale; offer of British Minister to extend good offices of British consuls accepted; difficulty in obtaining energetic orders from Porte to governors, owing to Armenian clergy being averse to missionaries; correspondence inclosed.	569

TURKEY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
444	Same to same (No. 422).....	Aug. 13	Bibles of American Bible Society, printed in Arabic, detained by customs officers at Constantinople, ordered to be delivered to consignee; agents of Bible Society often interfered with through mistaken zeal of subordinates; Porte disapproves of these arbitrary acts, but seems unable to prevent them.	572
445	Mr. Frelinghuysen to Mr. Heap (No. 220).	Aug. 19	Missionaries (American) in Armenia: Complaint of obstructions thrown in their way by mutilation of books and prevention of their sale; appreciation of offer of protection by British consuls; suggests that local authorities should be informed of rights of missionaries, who should exhibit evidence that books offered by them for sale had passed censorship at Constantinople.	573
446	Mr. Heap to Mr. Frelinghuysen (No. 430).	Sept. 12	Missionaries (American) in Armenia: Thanks expressed to Lord Dufferin, British minister, for protection to American missionaries in Asia Minor by British consuls.	574
447	Same to same (No. 441).....	Oct. 10	Bibles of American Bible Society: Restriction upon their sale in Turkey; nothing definite accomplished; sale of books in large towns not objected to, but objection made to books being hawked about country; missionaries opposed by Armenian Christians and on the ground that they encourage emigration of young men, who return claiming American citizenship.	574

VENEZUELA.

		1884.		
448	Mr. Baker to Mr. Frelinghuysen (No. 839).	Feb. 6	Claim of John E. Wheelock *vs.* Venezuela: Venezuela intends to transfer negotiations for settlement to Washington.	575
449	Mr. Frelinghuysen to Mr. Baker (No. 276).	Feb. 29	Claim of John E. Wheelock *vs.* Venezuela: Reply of Venezuela, received through its chargé in United States, is being considered.	576
450	Same to same (No. 286).....	Apr. 8	Claim of John E. Wheelock *vs.* Venezuela: Contention of Venezuela cannot be accepted; instructed to renew demand for speedy settlement; note of Venezuelan chargé inclosed.	576
451	Mr. Baker to Mr. Frelinghuysen (No. 892).	Apr. 10	Imprisonment of John Dalton, United States consul at Ciudad Bolivar for three days for alleged disrespectful utterances against President of Venezuela; Mr. Baker protests; answer of Government unsatisfactory.	577
452	Same to same (No. 902).....	Apr. 18	Imprisonment of John Dalton, United States consul at Ciudad Bolivar: No reply received from Mr. Dalton; latter has been directed to report case to Department.	577
453	Same to same (No. 907).....	Apr. 27	Imprisonment of John Dalton, United States consul at Ciudad Bolivar: Incloses President's order of arrest; Mr. Baker's protest; note of minister for foreign affairs justifying the action, and letter to Consul Dalton; no report from consul; no certainty that order of arrest has been executed; the arrest a violation of constitutional guarantees.	578
454	Same to same (No. 918).....	May 6	Claim of John E. Wheelock *vs.* Venezuela: Incloses note to minister for foreign affairs rejecting contention of Venezuela and urging an equitable settlement.	583
455	Mr. Frelinghuysen to Mr. Baker (No. 294).	May 7	Imprisonment of John Dalton, United States consul at Ciudad Bolivar: Approves Mr. Baker's prompt protest; incloses note to Venezuelan chargé to United States; particulars awaited before issue of further instructions.	583
456	Same to same (No. 296).....	May 8	Claims differences between the United States and Venezuela: United States cannot assent to principle of decree of February 14, 1873, relegating international claims to Venezuelan federal court.	584
457	Same to same (No. 297).....	May 12	Imprisonment of John Dalton, United States consul at Ciudad Bolivar: He belongs to class of consuls authorized to transact business, and is subject to same treatment as other Americans engaged in trade in Venezuela; special consideration should be given him as representative of a friendly power; specific information awaited before formulating complaint.	585

VENEZUELA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
458	Same to same (No. 299).....	May 30	Imprisonment of John Dalton, United States consul at Ciudad Bolivar: Mr. Baker's action approved; usurpation of judicial functions by executive towards an alien in time of peace is violation of law of nations and of rights of hospitality.	585
459	Mr. Baker to Mr. Frelinghuysen (No. 938).	May 29	Imprisonment of John Dalton, United States consul at Ciudad Bolivar: John Dalton, jr., of firm of John Dalton & Co., taken as a substitute for his father, the latter being ill, and imprisoned with other merchants three days; this held to be same as imprisonment of the father; the arrest made because of a protest against a monopoly granted by the Government; incloses correspondence with Consul Dalton and minister for foreign affairs.	586
460	Same to same (No. 941).....	June 1	Claim of John E. Wheelock vs. Venezuela: Note to minister for foreign affairs, refusing assent to Venezuela's contention that case should be remanded to high federal court, and urging settlement, inclosed.	592
461	Mr. Frelinghuysen to Mr. Baker (No. 312).	June 19	Claim of John E. Wheelock *vs.* Venezuela: Commends his representation to foreign office; instructions should be awaited before further action.	593
462	Same to same (No. 316).....	July 5	Imprisonment of John Dalton, United States consul at Ciudad Bolivar; citizenship of young Dalton held under reserve; views of United States as to assumed right of Venezuela to arrest citizens of United States without trial were expressed to ex-President Guzman Blanco when in United States.	594
463	Same to same (No. 321).....	July 8	Imprisonment of John Dalton, United States consul at Ciudad Bolivar: Conference with ex-President Guzman Blanco; his attempts to justify position that Venezuela can arrest and imprison aliens without trial unsatisfactory; particulars of young Dalton's arrest desired.	594
464	Mr. Baker to Mr. Frelinghuysen (No. 994).	Aug. 29	Imprisonment of John Dalton, United States consul at Ciudad Bolivar: Letter to vice-consul at Ciudad Bolivar inquiring as to age and birthplace of John Dalton, jr.	594
465	Mr. Frelinghuysen to Mr. Baker (No. 8).	Sept. 19	Imprisonment of John Dalton, United States consul at Ciudad Bolivar: Instructed to ascertain whether young Dalton submitted voluntarily to order of arrest of President of Venezuela and without protest.	595
466	Mr. Baker to Mr. Frelinghuysen (No. 1027).	Oct. 13	Imprisonment of John Dalton, United States consul at Ciudad Bolivar: Letter from vice-consul at Ciudad Bolivar; death of Mr. Dalton reported; his son accepted as a substitute on account of his father's illness; John Dalton, jr., born in Venezuela, and by its laws a Venezuelan; in United States he would be considered an American citizen.	596
467	Mr. Davis to Mr. Baker (No. 17).	Nov. 1	Imprisonment of John Dalton, United States consul at Ciudad Bolivar: Inquiries whether the son or any other substitute would have been taken if not a member of the firm of John Dalton & Co.	596

CORRESPONDENCE WITH LEGATION OF VENEZUELA AT WASHINGTON.

		1884.		
468	Mr. Soteldo to Mr. Frelinghuysen.	Feb. 8	Claim of John E. Wheelock *vs.* Venezuela: Has recommended its settlement to his Government; reparation should be sought through the courts; no indemnity can lawfully be paid by executive; letter from ex-President Guzman Blanco, stating proceedings against the offender and their failure owing to the latter's flight.	597
469	Mr. Frelinghuysen to Mr. Soteldo.	Apr. 4	Claim of John E. Wheelock *vs.* Venezuela: United States cannot accept contention of Venezuela that claim should be settled by courts, and that diplomatic recourse is not open; courts have already decided that Mr. Wheelock has no grounds of action; right of diplomatic recourse reaffirmed; demand for redress will be renewed through United States minister at Caracas.	599

CORRESPONDENCE WITH THE LEGATION OF VENEZUELA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1884.		
470	Mr. Soteldo to Mr. Frelinghuysen.	Apr. 10	Claim of John E. Wheelock *vs.* Venezuela: Argues in support of position that case should be settled by courts and not diplomatically; judicial recourse not exhausted; Venezuela has endeavored to bring the criminal to justice.	602
471	Mr. Frelinghuysen to Mr. Soteldo.	Apr. 25	Claim of John E. Wheelock *vs.* Venezuela: Argument of Venezuela fails, as ground work is fallacious. United States Court of Claims not like Venezuelan High Federal Court, as former cannot adjudicate a claim against United States by an alien, similar to that of Wheelock. There has been evident miscarriage of justice. Venezuela's action a denial of diplomatic recourse.	607
472	Same to same	May 2	Imprisonment of John Dalton, United States consul at Ciudad Bolivar: He is stated to have been imprisoned by order of President of Venezuela for protesting, with other merchants, against terms of a government concession; imprisonment without form of law or opportunity of defense, contrary to international law and treaty of 1860. United States minister's protest approved. Further comment reserved until facts of the imprisonment are definitely known.	608
473	Same to same	Oct. 20	Claim of John E. Wheelock *vs.* Venezuela: Refers to interview with General Guzman Blanco, as to settlement, and asks whether he is prepared to come to a definite understanding.	609
474	Mr. Soteldo to Mr. Frelinghuysen.	Oct. 21	Claim of John E. Wheelock *vs.* Venezuela: Is expecting instructions by next mail relative to settlement.	609

CORRESPONDENCE.

ARGENTINE REPUBLIC.

No. 1.

Mr. Osborn to Mr. Frelinghuysen.

No. 390.] LEGATION OF THE UNITED STATES,
Buenos Ayres, October 24, 1883. (Received December 13.)

SIR: The Argentine Congress closed its annual session on the 22d instant. Of the great number of bills introduced, only about seventy-five passed and became laws, and these have no importance except to meet the local wants of the country. Under the recommendation of the minister of finance a bill was introduced in the House of Deputies to borrow $80,000,000 with a view to calling in the outstanding 6 per cent. bonds and consolidating the debt of the country in 5 per cent. bonds, and the construction of public works. The bill was defeated, and the finance minister resigned. The bill which produced the greatest and most intense agitation, not only in Congress but throughout the whole country, was a bill introduced in the House prohibiting the teaching of religious dogmas in the common schools. It provoked a warm and angry debate, which lasted more than two weeks. The best debating talent of the House was called out on both sides. The minister of education, representing the President and a majority of the cabinet, appeared on the floor in favor of the bill and spoke for one day. The press took up the question, was divided, and became very bitter. The bill passed the House and went to the Senate. While the bill was under discussion in the Senate a procession of more than one thousand ladies of the first families of this city proceeded to the Senate and presented to the president a petition, signed by many thousands of women, asking the Senate to refuse to pass the bill. A vote was immediately taken, and by "smart judgment" the bill was rejected by one vote. In some of the speeches of the senators and deputies it was strongly intimated that the time was close at hand for the separation of church and state, and as it is quite probable that the matter will come up in the next Congress, I should not be surprised if such a proposition should be presented looking in that direction, as many both in the church and state believe that in a separation both the state and church would make better progress than under the present organization.

President Roca has been granted by Congress a leave of absence from the capital for two months. About the first of next month he will proceed to Santa Fé, to inaugurate the railroad just finished from Santa Fé the capital of the province, to the city of Rosario, and then he will proceed to his native province, Tucuman.

I have, &c.,

THOS. O. OSBORN.

No. 2.

Mr. Osborn to Mr. Frelinghuysen.

No. 417.] LEGATION OF THE UNITED STATES,
Buenos Ayres, May 6, 1884. (Received June 30.)

SIR: The annual session of the Argentine Congress was opened to-day, with all the accustomed formalities, by the President reading his message to both houses assembled in the Chamber of Deputies.

The President congratulated Congress that its session opens in the midst of peace and order and free from foreign difficulties and internal troubles, and the country that it has entered into a regular channel in the exercise of federal institutions and liberty, no longer incumbered by mutiny and disturbance.

The message is quite long, but it contains a plain, clear statement of facts in relation to all the departments of Government.

The President, in dealing with the subject of colonization, expresses himself in favor of making effective the promises of the law of 1876 by Government aid in founding colonies in the remote parts of the national territory, and states that during the year 1883 73,240 immigrants, nearly all farmers, landed in this country, at their own expense, over 19,000 in the first quarter of the current year, and he looks forward to the arrival of 80,000 immigrants before the end of 1884.

In relation to the extension and construction of railways, the President informs Congress that they have proceeded with great activity, and he makes special mention of the railway to Bahia Blanca, which has put the capital in direct communication with the first of ports on the Atlantic, crossing a vast belt of fertile land which till lately was overrun by the Indians of the prairies; and, notwithstanding the great difficulties encountered in the construction of the Andine Railway, the rails had reached the foot of the mountains, and the road would soon be opened to the public service.

It appears from the message that within the last year 1,249 kilometers of telegraph lines have been constructed, and that the postal revenue increased 22½ per cent. over 1882.

Under the head of foreign affairs the President states that the Republic is in the most perfect peace; that the foreign ministers here, by their rank and personal prestige, do very much towards strengthening the friendly relations which his Government cultivates with all nations; that it appears that the west coast struggle has finally closed most disastrously for the conquered; that the Republic strictly adhered to the strict neutrality policy which was adopted on the breaking out of the war; and that in a few days he would receive the new Peruvian minister sent by the Government of General Iglesias, who, to his mind, possesses all the attributes to entitle him to be duly received and acknowledged.

In treating on the subject of finance the President says it is with pleasure he informs Congress that this branch of the administration marches hand in hand with the progress and development of the country; that the Government bonds have reached the very highest quotations, and that the debt is well consolidated in the European market.

The general revenue of the nation for the year 1883 amounted to $30,050,195, which amount, when compared with that of 1882, shows an increase of 12½ per cent.; also, that the account for the first three months of the present year proves that the increase has not only been sustained but considerably developed.

The expenditures during 1883 amounted to $29,388,761, being $666,434 less than the total revenue.

The aggregate tonnage of the foreign trade was 3,696,413 tons of goods and products, which represent, according to official valuation, $147,596,000, being an increase of nearly $26,000,000 over the former year.

The imports have exceeded the exports, but that has been caused by the heavy importation of materials for the making of ports and railways.

The consolidated debt at the end of 1883 was $106,427,311, and its service has always been attended to with the greatest punctuality.

The sum coined for the Government by the mint: Gold, 1,195,295 pieces, representing $5,976,452; silver, 9,064,380 pieces, representing $2,710,639.50; copper, 2,370,536 pieces, with a value of $38,470.39.

After treating on the subject of public instruction, normal and common schools, to which the Government has given much attention, and which are rapidly increasing and are well supported, the President closes his message by stating "he has just finished reading his message with the satisfaction of the purest patriotism, and to a certain degree with pride, not for the progress already achieved, which as yet is but faintly traced as a nation, but as the happy augury of a very grand future for the Argentine Republic, as we often in the morning clouds catch a glimpse of the grand mountains not far off. It would neither be just nor pious for him to conclude the solemn act without offering up gratitude to the Almighty for the moral and material favors which His infinite kindness has showered down on the country."

I have, &c.,

THOS. O. OSBORN,

No. 3.

Mr. Osborn to Mr. Frelinghuysen.

No. 419.] LEGATION OF THE UNITED STATES,
Buenos Ayres, June 16, 1884. (Received July 31.)

SIR: The clerical question, or the struggle between church and state, has again come to the front and is occupying much attention both in and out of Congress.

In the normal schools, established and supported by the National Government, are employed many Protestant teachers, mostly ladies from the United States.

On the 25th of April last, Dr. Clara, a Catholic ecclesiastic and acting bishop at Cordova, issued a pastoral letter prohibiting, among other things, the parents of families from sending their children to the normal schools where Protestant teachers are employed.

The National Government, considering it an act of disrespect and insubordination, took up the matter, and, after the exchange of several notes between the minister of education, the governor of the province of Cordova, and Dr. Clara, referred it to the attorney-general for his opinion.

The report of the attorney-general is extensive and a full review of the relations of the state and the church, in which he gives the opinion that the Government, which confirmed church nominations, could discipline and dismiss.

The President, accepting this opinion as sound doctrine, issued his decree dismissing Dr. Clara. This has been followed by a sharp discussion in the press and in Congress on a resolution calling for all the correspondence and protests by the authorities of the church, charging priestly subversion on the one side and encroachment and persecution by the civil authorities on the other.

Notwithstanding the decree, Dr. Clara refuses to accept his dismissal, continues to exercise the functions of his priestly office, and has, within the last few days, issued his second pastoral, in which he asserts that it is his first duty to obey instructions from Rome, rather than the orders or laws of the National Government, which brings the whole matter to a simple but sharp issue.

I have no doubt the Government will maintain its position of supremacy, and it will lead sooner or later to a final result—the separation of church and state.

I have, &c.,

THOS. O. OSBORN.

No. 4.

Mr. Osborn to Mr. Frelinghuysen.

No. 422.] LEGATION OF THE UNITED STATES,
Buenos Ayres, June 26, 1884. (Received July 31.)

SIR: The Liberal party claims to have achieved a splendid triumph in Congress to-day over the Clerical party.

At the last session the Chamber of Deputies passed a bill providing that in the schools of the national capital there should be no sectarian test or teaching. The Senate rejected the bill, and the matter went over until the present session.

The Chamber of Deputies insisted upon its bill by a vote of forty-eight to eight; as the Senate to-day could not reject by a two-thirds vote, with the approval of the President, which it will doubtless receive, it will become a law.

In case of a disagreement of the chambers, the proceedings differ from ours. Here, either chamber of Congress having passed a bill which the other chamber disapproves, may insist upon its passing, and in such case it becomes a law unless two-thirds of the other and disapproving chamber should reject it.

I have, &c.,

THOS. O. OSBORN.

No. 5.

Mr. Osborn to Mr. Frelinghuysen.

No. 437.] LEGATION OF THE UNITED STATES,
Buenos Ayres, October 11, 1884. (Received November 21.)

SIR: On the 10th instant, last night, terminated the discussion in the Chamber of Deputies of the National Congress on the budget of the minister of education and worship, by a vote of thirty-six to twenty-three in favor.

A hot debate took place on the section relating to the suppression of the seminaries for the education of priests, in which the minister, De Wild, took part.

Heretofore provisions were made in the budget for the support of the seminaries, but the question recently having been raised as to the supremacy of church or state (by Dr. Clara, acting bishop of Cordova, who was suspended and replaced by a Catholic congress assembled in this city, and more recently by the bishop of Salta, who issued a pastoral letter of the same tone and tenor as that of Dr. Clara, and whom the President has suspended pending the consideration of his case by the attorney-general), and alleged intermeddling with the public schools on the part of the apostolic legate, Dr. Maltera, "archbishop of Irenopolis" (and of whom the minister of foreign affairs, several days ago, asked for an explanation of his conduct), has caused already a division of the people into two parties, clerical and anticlerical, and it is quite probable that the next Presidential contest will be fought out on that issue if it be not settled before, and I am inclined to think it will.

It appears from the remarks of the minister that the President, by withholding supplies, is determined to press the matter to a separation. He appears to be fully supported by all his ministers and the more thoughtful of all the prominent men of the country.

The supporters of the church seem to labor under the mistake that the church is superior to or equal with the state, or that the church is a state church, whereas in the framing of the constitution the question was compromised by inserting an article making it incumbent on the Government to support inclusively the Roman Catholic Church.

The church press is bitter, and the feeling is intense, and while many apprehend that serious trouble will result, I am inclined to believe that the Government has the elements of power so well in hand that the church will quietly submit, or that, by common consent, the constitution will be so amended as to permit both parties to care for and support themselves, which event, in my judgment, is close at hand

I have, &c.,

THOS. O. OSBORN.

No. 6.

Mr. Osborn to Mr. Frelinghuysen.

[Extract.]

No. 438.] LEGATION OF THE UNITED STATES,
Buenos Ayres, October 16, 1884. (Received November 21.)

SIR: I have the honor to inform you that on the 14th instant, by orders of President Roca, the minister of foreign affairs sent to Dr. Maltera, apostolic delegate, his passport, and fixed the period of twenty-four hours for his leaving the national territory.

Maltera received his passport at 3 p. m. on the 14th, and left Argentine territory at 3 p. m. on the 15th instant for Montevideo.

Dr. Maltera had been called upon by the minister of foreign affairs for explanations relating to his interferences with the laws and authorities of the country in an interview or conference with Miss Clara Armstrong, directress of the normal school of Cordova, which she had reported to the minister of worship. Maltera did not give the explanations.

* * * * * * *

The press, save the church organs, approves of the prompt measures adopted by the President, and charges that Maltera has been the cause of all the disturbances which now agitate the country; and it appears quite probable that the press is correct, as the agitation over the school and church question began very soon after the arrival of Maltera.

The subject of the conference between Maltera and the directress of the school was that the normal school of Cordova had been anathematized because the Government had employed Protestant teachers to teach the sciences. The directress, an American and a Protestant, with other teachers, called on Maltera and asked him to remove the anathema. Maltera consented to do so on condition that the directress would obtain certain promises from the minister of worship.

To the letter asking these pledges of the minister was returned a sharp reprimand, informing Miss Armstrong that she was employed by the Government to teach the sciences; that she was to obey the instructions of the minister and not Dr. Maltera; that Dr. Maltera had no authority to interfere with the schools.

It is quite probable that the President sent in a message asking the present Congress to approve of a call for a convention to amend the constitution in order to relieve the state from the church.

I have, &c.,

THOS. O. OSBORN.

AUSTRIA-HUNGARY.

No. 7.

Mr. Taft to Mr. Frelinghuysen.

No. 124.] LEGATION OF THE UNITED STATES,
Vienna, March 17, 1884. (Received April 7.)

SIR: I have received, through the United States consul-general at this place, from the consul at Buda-Pesth, the papers relating to the case of Anton Wurglitz and his sons, who have been claimed for military service, with the request that the minister of the United States interpose to protect him and his sons from the requisitions of the Hungarian Government.

Mr. Anton Wurglitz, a native and citizen of Hungary, in 1851 emigrated to the United States, and resided there until 1867, having in the mean time obtained letters of naturalization; but in 1867 he returned with his family to Hungary, where he has resided to the present time. While in America he had three sons born, whom he took with him to Hungary from the United States, viz, Ludwig, born in the city of New York, July 16, 1855; Atilla, who was born in Sullivan County, New York, March 30, 1859; Anton, born in the same county, March 26, 1863.

Wurglitz purchased lands in the county of Vas, in Raba-Szent Mihaly, and has carried on his farm there for the last fifteen years, paid taxes, and would seem to have been regarded by the citizens and officials as a bürger or citizen of Hungary. His name was placed upon the list of voters, and in 1879 he was elected mayor of the town in which he was then residing and where he now resides, and, though he says he pro-

tested against it, he accepted the office and was mayor or presiding officer of the community for one year.

In 1880 Wurglitz wrote a letter to the United States minister at Vienna, Mr. Kasson, stating to him that he emigrated to the United States in 1851, became a naturalized citizen in 1856, returned to Europe in 1867, having had children born in the United States, and since 1869 had lived as a farmer in Hungary; that his son Atilla, born in New York in 1862, wished to return there soon to live, and that all his children wished to return there soon to live in their "native land."

On this statement Mr. Kasson directed passports to be issued, and expressed the opinion that the United States citizenship of the family continued, though the father did not appear to intend personally to return to America. (See inclosed letter of Mr. Kasson to Anton Wurglitz of December 24, 1880, and letter of Mr. Kasson to Mr. Evarts of same date, published in Foreign Relations of United States for 1881, page 30, and the answer thereto by Mr. Blaine of March 31, 1881, page 52.)

He and his family have not returned to America, but have continued to reside in Raba-Szent Mihaly; nor, has he or either of his sons obtained a passport, as advised by Mr. Kasson. (See letter of Mr. Kasson.) He attempted to register their names in the office of the consul at Buda-Pesth as American citizens in 1880, soon after the correspondence with Mr. Kasson, and failed to have it done, because he had not his naturalization papers, and the consul, for that reason, would not allow it. In 1882, however, through the aid of the consul, he obtained a copy of his certificate of naturalization from Washington, and then, I suppose, did have himself and sons registered as American citizens on the book of the consul.

In December, 1879, the Diet of Hungary enacted a law by which (section 48) it was provided—

> That those persons should be considered Hungarian citizens who had lived in the territory of the provinces of the Hungarian crown, up to the coming in force of said law, at least five years without interruption, and were received in a native community in the list of taxpayers, when they do not prove within one year, reckoning from the coming in force of this law, before that district bureau or town magistrate in whose territory their last place of residence is, that they have retained their foreign citizenship.

In 1883 his son Anton, who had arrived at the age of twenty years, when by the law of the Empire a citizen of Hungary is liable to military duty, was summoned for that purpose, and his father protested on account of his American citizenship. His case was, through the consul at Buda-Pesth, presented to Count Tisza, the secretary of the interior and minister-president of Hungary, who, upon the statements and evidence submitted, and such investigations as he deemed necessary, concluded that Wurglitz had renounced his American citizenship and was a citizen of Hungary, under the treaty existing between the United States and Austria-Hungary, and that, as the domicile and citizenship of minor children follows that of their father, their sons are citizens also of Hungary, and subject also to military duty under the laws of the Empire.

An order was accordingly issued by the Hungarian Government, December 28, 1883, to the chief officer of the county, declaring that Anton Wurglitz, together with his minor sons, Atilla, Anton, and William, were Hungarian citizens.

From the statement and opinion of Count Tisza it appears that not only did Wurglitz make no proof and give no notice to the authorities in Hungary, as this law of Hungary required, but that none of the county or municipal officers had any knowledge that he claimed to retain his

American citizenship; that he had been regarded as a citizen of the county where he resided, had his real estate there, had his name in the list of tax-payers and in the list of voters, was elected chief magistrate of the town, accepted the office and performed its duties for the year 1879; that he had claimed and enjoyed the privileges of a Hungarian citizen for many years, and that this course continued until his sons came to the age of military duty.

The question to be determined is, whether under this state of facts the Government of the United States is bound to interpose and protect the sons of Anton Wurglitz from the performance of military duty in Hungary.

It seems to me that this question must be answered in the negative.

I infer from the statement of Wurglitz that, if he had property in America, he had sold it, and come to Hungary, the place of his origin, and purchased a farm, on which he reared and educated his children. He was beyond the reach of the American Government, so that no duty toward that Government could be enforced against him. Twelve years he lived in Hungary without giving any notice that he claimed to be an American citizen, had his property there, was on the tax-list and paid taxes, was put upon the list of voters and voted, as appears from his letter just received in answer to my inquiry on the subject. In 1879, the very year in which by the Hungarian law he was required to give notice to the Hungarian authorities that he had claimed foreign citizenship, he was discharging the duties of the office of burgomaster, to which he had been elected by the voters of the town in which he resided. His statement to Mr. Kasson in 1880 left out the important circumstance that he was at that time a voter in the county where he resided, and holding office. Another circumstance showing a different case from that which he presented to Mr. Kasson in 1880 is that, although he informed Mr. Kasson that his sons considered America as their home, and were soon going to America, neither he nor either of them have gone, but they have chosen to incur the risk of being claimed as soldiers here rather than go to America.

I have taken legal advice, and have myself examined the laws of Hungary as to the question whether citizenship is a necessary prerequisite to voting and holding office in Hungary. The conclusion is that the statutes of Hungary require that all voters should be citizens. Some classes of citizens are not entitled to vote, but voters must be citizens. The fact, therefore, that Wurglitz voted at the elections of members of the National Legislature and at local elections, and held the office of presiding officer of the town, is incompatible with his claim to retain his American citizenship.

Nor can we overlook the circumstance that the Government of Hungary, in whose jurisdiction he had voluntarily placed himself, provided a mode in which he could assert his foreign citizenship, and declared that unless such provision was complied with he should be considered and treated as a citizen of Hungary. He had totally failed to comply with the requisitions of that law.

Meantime he and his sons have been judicially declared by the authorities of Hungary, in whose jurisdiction they were, to be citizens of Hungary, and that declaration was made by the secretary of the interior and minister-president, who is by the law of Hungary authorized to decide such questions.

I conclude, therefore, that Wurglitz has so far renounced his American and resumed his original Hungarian citizenship, within the meaning of article 4 of the treaty of September 20, 1870 (17 U. S. Statutes

at Large, 836), "as to absolve the Government of the United States from the obligation to protect him as a citizen while he remains in his native land."

The sons are minors, or if either of them has attained his majority it has been in Hungary, and their condition as to citizenship and allegiance must be held to follow that of their father. It is not necessary to decide what would be the condition of Wurglitz and his sons if they were actually in the United States with the purpose of there remaining.

Without desiring to prolong this dispatch, I wish only to add, that I have found the Government of this realm candid and just in meeting the questions arising under the naturalization treaty.

While, therefore, I would maintain with energy and decision the rights of our foreign-born citizens under the treaty, I am reluctant to insist upon such a construction of the provisions of the treaty as may facilitate the accomplishment of a fraud upon either Government, which certainly was not intended by either.

I should have acted upon the view of this case which I have herein expressed, and so answered the communications of Wurglitz and the consul at Buda-Pesth, had it not appeared from the letters of Wurglitz that he had written to you on the same subject, and, as I am not fully informed what papers he may have submitted to you, and as I should be unwilling to come in conflict with any opinions which you might come to upon the statement he may have made, I have thought it expedient to communicate my view of the case to you in the first instance for your approval or correction.

I have, &c.,

ALPHONSO TAFT.

No. 8.

Mr. Taft to Mr. Frelinghuysen.

No. 140.] LEGATION OF THE UNITED STATES,
Vienna, May 13, 1884. (Received May 26.)

SIR: I have the honor to report the case of Vitus Taxacher, who was released from military service here on my application. The principle on which the case turns had been recently discussed with the foreign office of this Empire, but I think that this is the first case which has arisen where the facts directly involved the point and were acted upon.

Taxacher was summoned for examination for military service, being of the proper age, and was found not then competent, but was ordered to return in one year for further examination. During that year he emigrated to America, and there remained long enough to be naturalized.

Afterwards he came back to his native home in Austria to visit his relations, where he was immediately enrolled in the Austrian army and made to serve as a soldier.

After he had been some months in the service, he, through an attorney, applied to me to know whether he had any remedy.

I presented the case to the foreign office in a dispatch, a copy of which I inclose, and received an answer thereto, the letter of the secretary of state of the Empire, of which I also inclose a copy. Agreeably thereto Taxacher was promptly discharged.

I have, &c.,

ALPHONSO TAFT.

[Inclosure 1 in No. 140.]

Mr. Taft to Count Kalnoky.

LEGATION OF THE UNITED STATES,
Vienna, November 16, 1883.

YOUR EXCELLENCY: There has been presented to the undersigned, minister of the United States of North America, a complaint, which is herewith inclosed, asking the undersigned to apply to the Austro-Hungarian Government for the release from military service in the Austrian army, of Vitus Taxacher. The case, as stated, is that Taxacher, at the age of nineteen, in the month of April, 1874, was examined before this Government for military service and found incapable, but ordered to return a year after for a second examination; that during the year he emigrated to America, and there remained eight years and became duly naturalized as an American citizen, as evidenced by the duly authenticated certificate of his naturalization, which is herewith inclosed. That in June, 1883, he returned to visit his father in Bohemia, where he was arrested and subjected to military service, and has been several months so detained against his will.

I respectfully submit that under the provisions of the treaty of September 20, 1870, he is entitled to be released, as he was not at the time of his emigration enrolled as a recruit, nor did he fall within any other of the conditions of clauses 1, 2, 3, of Article II of said treaty, which enumerate the cases in which an American naturalized citizen who has emigrated from Austria-Hungary can be called to account on his return to this Empire for a violation of his military obligations to this Government.

I avail myself, &c.,

ALPHONSO TAFT.

[Inclosure 2 in No. 140.]

Mr. Pasetti to Mr. Taft.

MINISTRY OF FOREIGN AFFAIRS,
Vienna, January 15, 1884.

The imperial-royal ministry of foreign affairs has not failed to institute inquiries, after having received the esteemed note of November 16, 1883, numbered F. O. 58, the inclosures of which are herewith returned, concerning the claim of Vitus Taxacher, and now has the honor to inform the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. Alphonso Taft, that investigations show that the above named, after a sojourn of five years in the United States of America, has acquired his citizenship there in the year 1881, a fact which was unknown to the imperial-royal authorities at the time they enrolled him in the army; that in consequence thereof, and in conformity with Articles I and II of the treaty of September 20, 1870 (R. G. B. No. 74, ex. 1881), he has been discharged from the ranks of the imperial-royal army.

The undersigned avails himself, &c.,

M. PASETTI.

No. 9.

Mr. Frelinghuysen to Mr. Francis.

No. 2.] DEPARTMENT OF STATE,
Washington, August 7, 1884.

SIR: It appears by a cable dispatch published in a morning journal of New York on the 17th ultimo that the Austrian Government has adopted measures to put a stop to Mormon proselytizing, and that the Vienna police have been ordered to arrest all Mormon missionaries engaged in obtaining converts and immigrants for Utah.

Inasmuch as the Mormons, exercising polygamy and making it a part of their religious creed, constantly increase in number by reason of accessions from Europe recruited by emissaries from Utah in foreign countries, any steps taken by the Austrian authorities to repress the organization of these unlawful enterprises by agents who are thus operating

beyond the reach of the law of the United States should be promptly recognized as in the interest of peace and morality.

You are instructed, therefore, to make an official investigation in the premises, to ascertain whether any steps having such an object in view have been taken by the Austrian authorities.

In case you find that such steps have been taken, you are directed to promptly recognize the act in the sense indicated, and report the circumstances in full to this Department.

I am, &c.,

FREDK. T. FRELINGHUYSEN.

No. 10.

Mr. Taft to Mr. Frelinghuysen.

No. 155.] LEGATION OF THE UNITED STATES,
Vienna, August 12, 1884. (Received August 25.)

SIR: I have received your dispatch numbered 89 and dated July 28 last, and have to-day called upon his excellency Count Kalnoky, the secretary of foreign affairs, from whom I learn that the laws of the Empire prohibit the going round of agents for the purpose of proselyting to Mormonism and leading people away under that pretext, and that the Government enforces the law whenever it finds that it has been or is likely to be violated.

This Government sympathizes with that of the United States in its efforts to put a stop to the bigamous practices of the Mormons in the United States.

I have, therefore, as instructed by your dispatch, communicated to the Government of this Empire, through Count Kalnoky, your appreciation of these measures taken by this Government, by a letter of this date, inclosing a copy of yours, to which this is an answer.

Count Kalnoky remarked, in the course of the interview, that he did not think that there were many persons in this Empire who were led away by the Mormon superstition.

I am, &c.,

ALPHONSO TAFT.

No. 11.

Mr. Francis to Mr. Frelinghuysen.

No. 8.] LEGATION OF THE UNITED STATES,
Vienna, September 24, 1884. (Received October 11.)

SIR: Referring to your No. 2, of the date of August 7, I have the honor to report that on the 15th instant I called upon Count Szogyényi, chief of section at the ministry of foreign affairs, and drew his attention to the matter treated of in the above instruction, namely, the reported action of the Austrian authorities to repress the proselytizing efforts of Mormon emissaries to obtain recruits in this country with a view to their emigration to the United States. My predecessor, Mr. Taft, who received from the Department similar instructions in your

No. 89, dated July 28, had already taken action in compliance therewith, as set forth in his No. 155 to Mr. Frelinghuysen, dated August 12.

In my interview with Count Szogyényi I remarked that, if convenient, I would be glad to have furnished me a written authoritative statement on the subject, pointing out the measures that had been adopted by His Majesty's Government for the repression of Mormon proselytizing and recruiting in His Majesty's Empire for the purpose of securing accessions by emigration to the polygamous sect in the United States, and any action that may have been taken by the Austrian authorities in pursuance of these measures. Count Szogyényi replied that he would cheerfully furnish the desired statement, which was delivered to me on the 19th instant.

I herewith inclose copy of his excellency's note containing it, with translation of the same. I also inclose copy of my reply to this note, wherein I have endeavored to carry out your instruction to promptly recognize the act of the Austrian Government, if steps had been taken by it to prevent the recruiting of Mormons in this country for emigration to the United States, as a measure in the interest of peace and morality.

I have, &c.,

JOHN M. FRANCIS.

Count Szogyényi to Mr. Francis.

[Translation.]

MINISTRY OF FOREIGN AFFAIRS,
Vienna, September 18, 1884.

In reply to an inquiry by the Hon. Alphonso Taft, dated August 12, whether an account published by some American papers concerning measures taken by the Austrian authorities against proselytizing for the Mormons was founded on facts, the imperial-royal ministry of foreign affairs begs to communicate the following to the envoy extraordinary and minister plenipotentiary of the United States of America, Mr. J. M. Francis:

On the receipt of a note by Mr. Kasson, then envoy of the United States of America, dated September 3, 1879, the ministry of the interior, after consulting the imperial-royal ministry for worship and instruction, directed the attention of all the heads of the provincial governments to the sending of Mormon agents to the different states of Europe, and called upon these authorities to keep a watchful eye upon them and to issue such orders to their subordinates as would suppress all possible recruiting for the Mormons by all lawful means.

In accordance with this order, the police at Prague arrested, in March of the present year, a Mormon agent named Thomas Biesinger, from Lehi, Utah Territory, in North America, because he had persuaded people to join the Mormons during his stay at Prague.

On Biesinger's arrest, March 31, a number of Mormon books, pamphlets, and periodicals were found on him, as well as a diary written in English, which contained memoranda concerning his mission and its successes since he left Lehi, in October, 1883.

There was also found on him, and seized, a document showing Biesinger to have been appointed as chief agent of the Mormons for Austria.

On Biesinger's trial, he was sentenced by the provincial court at Prague, on May 5, 1884, to one month's imprisonment and a fine of five florins, for encouragement of a religious creed not sanctioned by the state.

The arrest and imprisonment of Thomas Biesinger, having at the time been commented upon by the newspapers, has probably given rise to a cable telegram to a New York newspaper touching the measures recently adopted by the imperial-royal authorities for the suppression of proselytizing for the Mormons.

The Imperial-Royal Government will not fail in future to watch all similar attempts to enlist recruits for the ranks of the Mormons, which constitute furthermore an infringement of the laws of the country, in that it is an organized method of inducing people to emigrate.

The undersigned avails, &c.,

SZOGYÉNYI.

Mr. Francis to Count Szogyényi.

LEGATION OF THE UNITED STATES,
Vienna, September 22, 1884.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note, No. 21203, of the date of September 18, 1884, in reply to an inquiry by the Hon. Alphonso Taft, in a note dated August 12, whether an account published by some American papers concerning measures taken by the Austrian authorities against proselytizing for the Mormons were founded on facts.

Your excellency's lucid statement of the measures adopted by the Government of His Imperial-Royal Apostolic Majesty to suppress all possible recruiting for the Mormons by all lawful means, together with the detailed account of the action taken in March last by the authorities of Prague in the arrest and punishment of the chief agent of the Mormons for Austria, one Thomas Biesinger, from Lehi, Utah Territory, United States of America, affords evidence of the commendable and efficient efforts of His Majesty's Government in behalf of the interests of peace and morality.

In this sense I am instructed by my Government to recognize the action referred to of His Majesty's Government, and to express its sincere gratification that such praiseworthy action has been taken.

I avail, &c.,

JOHN M. FRANCIS.

No. 12.

Mr. Francis to Mr. Frelinghuysen.

No. 24.] LEGATION OF THE UNITED STATES,
Vienna, November 5, 1884. (Received November 24.)

SIR: I have the honor to transmit to the Department, under separate cover, an official detailed statement of the public debt of Austria on June 30, 1884, compared with that of December 31, 1883, as published by the committee of control on the 28th ultimo.

The following are the chief items, the smaller figures marked + or — representing, the former increase, the latter decrease, in the aggregate amounts during the six months.

Nature of debt.	Common debt.		Austrian debt.		Total.	
	Amount.	Increase or decrease.	Amount.	Increase or decrease.	Amount.	Increase or decrease.
A. Consolidated debt:	*Florins.*	*Florins.*	*Florins.*	*Florins.*	*Florins.*	*Florins.*
1. Irredeemable	2,385,300,000	+14,600,000	426,700,000	+31,700,000	2,812,000,000	+46,300,000
2. Redeemable	298,600,000	— 4,800,000	103,500,000	.....	402,100,000	— 4,800,000
Total consolidated debt	2,683,900,000	+9,800,000	530,200,000	+31,700,000	3,214,100,000	+41,500,000
B. Floating debt	88,300,000	—25,500,000	1,500,000	.....	89,800,000	—25,500,000
C. Capitalized indemnification rentes	12,200,000	.....	.....	.....	12,200,000	.....
D. Capitalized debt to the Bavarian Government	1,700,000	.....	.....	.....	1,700,000	.....
Total debt	2,786,200,000	+35,300,000	531,700,000	+31,700,000	3,317,900,000	+67,000,000

The total debt was, therefore, at the close of last June, 3,117,900,000 florins, being an increase of 67,000,000 since December 31, 1883. This increase resulted mainly from the emission of 31,700,000 5 per cent. Austrian paper rentes to cover the deficit of the budget, the issue of 14,600,000 irredeemable obligations, as well as 25,500,000 of the circulation of "Salmen rentes."

The yearly interest accruing on the debt amounted to 137,600,000 florins, of which 76,800,000 were paper, 45,200,000 in silver, and 13,600,000 in gold.

The following table presents the character of the bonds issued, the amount and interest of each, for the year ending June 30, 1884, compared with December 31, 1883:

Obligations.	Capitalized debt.		Interest required.	
	June 30, 1884.	December 31, 1883.	June 30, 1884.	December 31, 1883.
	Florins.	*Florins.*	*Florins.*	*Ftorins.*
4.2 per cent. paper	1,387,300,000	+14,000,000	58,300,000	+600,000
4.2 per cent. silver	997,500,000	+600,000	41,960,000	
4 per cent. gold	340,900,000		13,600,000	
5 per cent. paper	154,000,000	+31,700,000	7,700,000	+1,600,000
Total	2,879,600,000	+46,300,000	121,500,000	+2,200,000

In the foregoing statement of public debt is not included a sum of 135,300,000 florins for the redemption of the land titles, which decreased during the first half year of 1884 some 5,000,000 florins.

The necessary interest on this fund is yearly over 7,000,000 florins. The circulation of the paper state notes at the end of June, 1884, was 325,400,000 florins.

It should be understood that of the common debt Hungary is obliged to pay about 30 per cent. of the interest required, and that she has her own separate and distinct debt, the latest data of which, as given in the very accurate publication, "The Compass," are as follows:

Irredeemable debt, 1882	573,300,000
Redeemable debt	383,900,000
Redemption of land titles	214,400,000
Total	1,171,600,000

It may be of interest to note the present quotations of Austrian and Hungarian bonds, which on the 28th ultimo were as follows:

	Florins.
Austro-Hungarian 4.2 per cent. paper	81.00
Austro-Hungarian 4.2 per cent. silver	82.15
Austrian 4 per cent. gold	103.50
Austrian 5 per cent. silver	96.10
Hungarian 6 per cent. gold	123.15
Hungarian 4 per cent. gold	93.40
Hungarian 5 per cent. paper	88.55

Aggregate indebtedness.

	Florins.
Debt of Austria	3,117,900,000
Debt of Hungary	1,171,600,000
Total June 30, 1884	*4,289,300,000

Adding to this provincial and municipal indebtedness, estimated at 300,000,000 florins, or $120,000,000, makes a total aggregate of $1,835,800,000 indebtedness, as above.

I have, &c.,

JOHN M. FRANCIS.

*Equivalent (40 cents to the florin) to $1,715,800,000 United States currency.

No. 13.

Mr. Francis to Mr. Frelinghuysen.

No. 27.] LEGATION OF THE UNITED STATES,
Vienna, November 13, 1884. (Received December 1.)

SIR: I have the honor to transmit herewith a summary of what is known as the general budget of Austria-Hungary for 1885, which was recently submitted to the Delegations now in session at Buda-Pesth. This budget embraces estimates common to both parts of the Empire—Austria and Hungary—and includes for expenditures the ministry of foreign affairs, the ministry of war, and the ministry of finances, only so far as there are disbursements on account of the first two objects named. The revenues enumerated embrace certain income taxes and receipts of customs. The chief items in the common estimates are: Ministry of foreign affairs, 4,330,700 florins, an increase over 1884 of 58,800 florins, the increase being intended to improve the salaries in the diplomatic and consular service; ministry of war, 112,973,724 florins; for the standing army, 102,235,135 florins; navy, 10,738,589 florins, a slight variation from the figures of last year. The revenues enumerated amount to only 21,590,650 florins, and, after deducting this amount from the expenditures, there remains a balance of 97,862,860 florins to be provided for by Austria and Hungary, respectively.

I also transmit herewith a summary of the budget of the Kingdom of Hungary for 1885, recently presented to the Hungarian Parliament at Buda-Pesth by the Hungarian minister of finance.

The royal household expenses are 4,650,000 florins; common affairs, 28,530,079 florins; state debts, 105,547,947 florins. The ordinary expenditure aggregates 308,776,270 florins, or 10,463,358 florins more than in 1884.

The chief items of the increase are 1,864,964 florins more for interest on the debt (representing the interest on the paper rentes to be issued), 4,932,267 florins more for state railways, and 4,326,506 florins more for advances to railways. The ordinary revenue for 1885 is estimated at 313,825,017 florins, or 15,288,915 florins more than in 1884. The total expenditure is set at 337,993,528 florins, or 5,450,169 florins more than in 1884, and the total revenue at 326,317,695 florins, or 14,436,515 florins more than this year. The deficit is, therefore, 11,675,833 florins, or 8,986,346 florins less than this year.

Five hundred thousand florins more than this year's yield are expected from the proceeds of the tobacco monopoly, and 200,000 florins more from salt. The revenue of the state domains is less than the expenditure, the former being 1,346,943 florins and the latter 3,300,836 florins, but the deficiency is less than last year.

The duty on spirits is estimated to yield 3,000,000 florins more; that on wines, 70,000 florins more; that on beer, 100,000 florins more; and that on sugar, 400,000 florins more. The whole of the indirect taxes are expected to produce 3,500,000 florins more than in 1884.

Owing to the extension of the state railways, larger returns are calculated upon, and there are 3,000,000 florins less to be paid in railway guarantees. The revenue from customs is, in consequence of the higher duties which are soon to come into operation, estimated at 45,000,000 florins, instead of 25,000,000 florins.

In the complicated dual Government of Austria-Hungary three distinctive financial budgets are annually constructed, namely, the common budget for the two powers, the budget for Hungary in its in-

dependent relations as a state, and the budget of Austria, embracing the remainder of the Empire. The latter will appear soon after the assembling of the Austrian Parliament here, a few weeks hence.

I have, &c.,

JOHN M. FRANCIS.

Estimates for 1885 *common to both parts of the Empire of Austria-Hungary.*

REQUIREMENTS.

	Florins.
Ministry of foreign affairs:	
Central directory	550,000.00
Political information, not specially to be accounted for	500,000.00
Diplomatic expenses	1,256,700.00
Consular expenses	774,000.00
Subsidy paid to the Austro-Hungarian Lloyd Steamship Company	1,300,000.00
Total	4,380,700.00
Ministry of war:	
Standing army	102,235,135.00
Navy	10,738,589.00
Total	112,973,724.00
Ministry of finances:	
Director and comptroller's office	126,516.00
Pensions and auditor's office	1,972,570.00
Total	2,099,086.00

REVENUES.

Ministry of foreign affairs:	
Income tax of diplomatic corps	15,350.00
Consular fees and income tax	121,650.00
Austro-Hungarian Lloyd	467,200.00
Total	604,200.00
Ministry of war:	
Standing army (taxes)	2,449,399.00
Navy (taxes)	100,000.00
Total	2,549,399.00
Ministry of finances:	
Income tax of pensioners living abroad	2,311.00
Receipts from customs, estimated, 49,612,840 florins; deducting cost of collection, at 1,850,000 florins, and excise duty refunded on export of sugar, beer, and liquors, 28,728,100 florins, and the sum stipulated to be paid to Bosnia and Herzegovino as indemnity, 600,000 florins, leaves net receipts from customs	18,434,740.00
Total	18,437,051.00

BALANCE.

Total sum required	119,453,510.00
Total sum of revenues	21,590,650.00
To be provided for	97,862,860.00
From which last sum must be deducted, first of all, 2 per cent. chargeable to the Hungarian state treasury	1,957,257.20
Balance to be provided for	95,905,602.80
Of which Austria pays 70 per cent	67,133,921.96
And Hungary 30 per cent	28,771,680.84

Estimates for 1885 *for the Kingdom of Hungary.*

ORDINARY EXPENSES.

	Florins.
Royal household	4,650,000.00
Privy council	75,012.00
Parliament	1,239,254.00
Common affairs	28,530,079.00
Pensions	4,523,951.00
State debts	105,547,947.00
Guaranteed interest to railways	18,757,869.00
Administration of Croatia and Slavonia	6,011,408.00
State treasury	110,100.00
Minister presidency	333,930.00
Imperial ministry	54,275.00
Ministry of finances	56,310,867.00
Ministry of the interior	10,168,429.00
Ministry of communications	38,497,493.00
Ministry of agriculture and commerce	10,048,806.00
Ministry of worship and instruction	5,515,231.00
Ministry of justice	10,918,688.00
Ministry of public defense	7,447,151.00
Ministry of Croatia and Dalmatia and Slavonia	36,080.00
Total	308,776,270.00

TRANSITORY EXPENSES.

Imperial ministry	2,000.00
Minister of interior	49,978.00
Minister of finances	842,697.00
Ministry of agriculture and commerce	468,450.00
Ministry of worship and instruction	138,452.00
Ministry of public defense	499,000.00
Total	2,000,577.00

INVESTMENTS.

Building house of Parliament	800,000.00
Minister-presidency	5,000.00
Ministry of interior	14,487.0
Ministry of finances	7,483,904.00
Ministry of communications	13,905,960.00
Ministry of agriculture and commerce	563,500.00
Ministry of worship and instruction	148,025.00
Ministry of justice	100,000.00
Total	23,020,876.00
Extraordinary expenses common to both parts of the Empire	4,195,805.00

ORDINARY RECEIPTS.

State debts	16,004,863.00
State treasury	1,770.00
Ministry of the imperial house	300.00
Ministry of the interior	805,210.00
Ministry of finances	250,425,946.00
Ministry of communications	35,021,818.00
Ministry of agriculture and commerce	10,114,223.00
Ministry of worship and instruction	535,739.00
Ministry of justice	644,935.00
Ministry of public defense	270,213.00
Total	313,825,017.00

TRANSITORY RECEIPTS.

	Florins.
Ministry of interior	11,243.00
Ministry of finances	12,081,435.00
Ministry of agriculture and commerce	400,000.00
Total	12,492,678.00

BALANCE.

Ordinary expenses	308,776,270.00
Transitory expenses	2,000,577.00
Investments	23,020,876.00
Extraordinary expenses'	4,195,805.00
Total	337,993,528.00
Ordinary receipts	313,825,017.00
Transitory receipts	12,492,678.00
Total	326,317,695.00
Total expenditures	337,993,528.00
Total receipts	326,317,695.00
Deficit	11,675,833.00

CORRESPONDENCE WITH THE LEGATION OF AUSTRIA-HUNGARY AT WASHINGTON.

No. 14.

Baron Schaeffer to Mr. Frelinghuysen.

WASHINGTON, *August* 23, 1884. (Received August 23.)

SIR: Mr. Schamberg, the imperial-royal Austro-Hungarian consul in Pittsburgh, hoisted on the 18th instant our national flag over the door of the consulate, in honor of the anniversary of the birthday of His Majesty the Emperor of Austria and King of Hungary. The chief of the police in the above city, Mr. Braun, peremptorily ordered our consul to take the flag down, by referring to local regulations which forbid the hanging out of *swinging signals* as street obstructions.

Mr. Schamberg, in virtue of our treaty right of 1870 (Article IV), correctly refused to obey the orders, and the flag remained floating till sunset.

As the facts came to my notice through newspaper reports, I was not able to exercise any official interference before I got the official consular report. But nevertheless I called *officieusement* upon the First Assistant Secretary, Mr. Davis, on the 21st August, who, as usual, received me very courteously and disapproved without hesitation the conduct of the chief of the police on account of his ignorance, but did not think it necessary to write privately to the governor of the State, being sure that the matter, while we are speaking about it, will have been satisfactorily settled.

Now in possession of an official consular report which states that the flag remained untouched, I should have liked to attribute the conduct of the chief of the police to simple ignorance and to drop the whole affair; but the further proceedings of this officer urge me to enter protest against them. Having been once informed of our treaty right, he should have frankly declared his ignorance of international courtesy

and to be excused of the mistake he made. Contrary to that, he went so far as to sue the consul for infringement of the local laws by disobeying his orders, and to demand even the arrest of this gentleman.

The excuse made, as I was told, by the said chief, "that if he had known the hoisting of the flag to be in honor of our Emperor's birthday he would have left unnoticed the matter," is really childish.

We stood upon our treaty right, and it is no concern for the local police to examine for what purpose we think proper to hoist our flag.

You will, therefore, be so kind, as a higher authority, to cause the chief of the police in Pittsburgh, having acted officially, to be also officially and severely reprimanded, and to instruct the local authorities with respect of the treaty rights and international courtesy; which lesson would, as it seems, do them much good and avoid in future disagreeable troubles.

In brief, considering the most friendly relations which happily exist between the two great powers, I venture to ask of the American Government nothing more than what you would have asked of ours if the Austrian police had acted in the same way in a similar case against an American consul in our country.

Accept, &c.,

SCHAEFFER.

No. 15.

Mr. Davis to Baron Schaeffer.

DEPARTMENT OF STATE,
Washington, August 23, 1884.

BARON: I have the honor to acknowledge the receipt of your note of this date in relation to an occurrence which took place in Pittsburgh on the 18th instant, when the chief of police of that city is alleged to have forbidden the display of the Austrian flag upon the consulate there.

I shall immediately take steps to cause an official investigation of the matter, at the conclusion of which I shall communicate to you further, not doubting that a satisfactory result will be reached.

I may be permitted to remark incidentally that our conversation on the 21st instant was based entirely upon a newspaper report, and in what was then said I did not understand that either you or I intended in any way to express an official opinion in the absence of a definite and trustworthy statement of the facts.

Accept, &c.,

JOHN DAVIS,
Acting Secretary.

No. 16.

Mr. Davis to Baron Schaeffer.

DEPARTMENT OF STATE,
Washington, September 12, 1884.

BARON: Referring to the note of this Department addressed to you on the 23d ultimo, I have the honor to inclose a copy of a letter from

his excellency the governor of Pennsylvania, and of the statement of the mayor of Pittsburgh which accompanied the same, in reference to the misunderstanding of the chief of police touching the right of the Austro-Hungarian consul there to exhibit his official flag.

It appears that no insult was expressed, implied, or intended in the case; and now that the local authorities have been made aware of the full extent of consular rights under the treaties, it is presumed that all due deference will be paid to them in future.

Accept, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure.]

Governor Pattison to Mr. Frelinghuysen.

HARRISBURG, *September* 5, 1884.

SIR: I have the honor herewith to transmit to you the reply of the Hon. A. Fulton, mayor of the city of Pittsburgh, Pa., in relation to the alleged insult offered by the chief of the police force of that city to the representative of the Austrian Government and its flag. In this reply you will observe that your favor of the 28th ultimo to me on the same subject was laid before his honor Mayor Fulton.

Awaiting your further pleasure in the matter,

I have, &c.,

ROBT. E. PATTISON,
Governor.

Mr. Fulton to Governor Pattison.

PITTSBURGH, MAYOR'S OFFICE, *September* 4, 1884.

SIR: I have the honor to acknowledge the receipt of your communication of date August 29, 1884, as also communication from the Department of State, at Washington, D. C. In reply to same I would respectfully rehearse the proceedings had in this department to which said communications refer.

Some time in April last the commissioner of highways of the city of Pittsburgh issued an order to this department to give notice to all persons to remove any and all swinging signs and street obstructions. In pursuance of said order all persons were so notified; among others was Mr. Schamberg, who had an elbow sign extending from his premises. To this order Mr. Schamberg took exceptions, and until a decision was rendered by the courts of our county relating to such obstructions the said sign projected from his premises. Some days afterwards it came to the knowledge of the chief of police that Mr. Schamberg and his employés had threatened to evade the law in some way. Soon after this came to the chief's ears the flag was placed in front of Schamberg's premises and projected across the sidewalk. Chief Braun then (thinking that was the manner in which they intended to evade the law, and not knowing that it was placed there in commemoration of any particular day) ordered the flag to be taken down, which order was disregarded. Suit was then entered by the chief of police against Mr. Schamberg for violation of ordinances of the city of Pittsburgh.

Two days thereafter, Col. William A. Stone, United States district attorney, who acted as counsel for Mr. Schamberg, informed Chief Braun of the reason for the display of the flag, which was in honor of the birthday of the Austrian Emperor. This was the first intimation Chief Braun had that the flag was placed there for any ceremonial purpose, whereupon he immediately ordered a discontinuance of the suit entered, which was done. No hearing was ever had in the case and no fine nor costs imposed; hence no injury was done Mr. Schamberg individually, nor was there any insult officially expressed, implied, or intended. The flag remained untouched until Mr. Schamberg himself removed it.

Respectfully, yours,

A. FULTON,
Mayor.

BELGIUM.

No. 17.

Mr. Fish to Mr. Frelinghuysen.

No. 196.] LEGATION OF THE UNITED STATES,
Brussels, March 31, 1884. (Received April 14.)

SIR: I have the honor to inclose herewith a copy and translation of an extract from the "Independence Belge" of this evening, giving, from its agricultural correspondent in Paris, a letter, in which he briefly shows the much greater danger of trichinosis from German pork than from any other. He also mentions the discovery of a new parasite in German pork by Professor Bollinger, of Munich, which Professor Bonfik, of Breslau, declares to have the most deleterious and even fatal effects on mankind.

Coming as this does from an impartial source, the extract from the "Independence" is another evidence of the injustice of the crusade against American pork. It furnishes reasonable grounds for the adoption of a retaliatory action on our part in order to protect ourselves as well as our pork.

I have, &c.,

NICHOLAS FISH.

[Inclosure in No. 196.—Translation.—Extract from the "Independence Belge," March 31, 1884.]

Agricultural correspondent of the "Independence Belge," Paris, March 30.

Our pork producers, or rather those who represent them in Parliament and who think that their votes may be useful in the next election, make a great fuss about trichinæ. But the singular thing is that they persist in searching for them in the American pork, and if necessary discover them, notwithstanding the reports of the scientists, which should be accepted as final on this point. These learned men may vainly demonstrate that the care taken in raising the American hog, that his food, consisting principally of Indian corn, a plant which has not the reputation of sheltering the trichinæ in its tissues, render the American hog at least as healthy as the French hog. But these obstinate people will not give up, and it is thus that they have succeeded in springing upon the Chamber of Deputies a resolution asking the Government to suspend the entry of American pork into France.

At the same time, on the other hand, they leave the doors wide open to the German pork. Why? He would be very sharp who could explain this anomaly, unless there is therein another evil effect of the baneful treaty of Frankfort.

The fact remains, however, that if there be a dangerous hog in the world capable of disturbing the security which our culinary custom of thoroughly cooking our meat gives us, that hog would be the German. It is he who, by rooting amongst the filth in the villages in certain German provinces, has become the vehicle of the trichinæ which he swallows, in devouring rats, moles, and other dead animals which he finds in his vagabond wanderings.

Now, do you know how much pork Germany sent us in 1883, either more or less well salted? Eleven thousand three hundred and eight quintals. And the United States, which are here made to play the rôle of scape-goat, 524 quintals altogether.

But here is something different—a new meat parasite in the German pork. It is a small, striped mushroom (*Aktinomyces*), which has recently been signaled to the Medical Society of Berlin. The discovery appears to be due to Professor Bollinger, of Munich, who has also established the ravages which it creates in animals. Then Professor Bonfik, of Breslau, proved that this parasite is easily transmitted to man, to

whom he gives a contagious disease generally mortal in its effects. The report in which the latter establishes this fact was presented by him to the illustrious Birchow on the twenty-fifth anniversary of his professorship. This was certainly a really scientific gift, but none the less a singular one.

It appears, according to Professor Bonfik, that this mushroom has the most dangerous, deleterious effect on the human system, producing suppurations and secondary affections of the heart and other important organs.

No. 18.

Mr. Fish to Mr. Frelinghuysen.

No. 202.] LEGATION OF THE UNITED STATES,
Brussels, May 3, 1884. (Received May 19.)

SIR: Application having been made by the Rev. Orville Reed to have a marriage celebrated at the legation between himself and the daughter of an American missionary at Constantinople, I have informed him that the marriage should be performed in accordance with the Belgian law and section 4082 of the Revised Statutes.

I believe that under my instructions I could not do otherwise.

Mr. Reed, in his application, cites as a precedent the marriage at this legation on February 21, 1882, reported to the Department by Mr. Putnam in his No. 133 of February 22, 1882.

As the opinion of Mr. Leopold Orban, an official in the foreign office, though doubtless correct, is not an official opinion of the Belgian Government, I should hesitate to permit the performance of a marriage based on that personal and informal note. Mr. Putnam seems to have shared such hesitancy so far as to read to the parties to the marriage § XLVIII of the printed Personal Instructions and Mr. Leopold Orban's note.

The instruction No. 660, of November 14, 1874, from the Secretary of State to Mr. Washburne, as published in Foreign Relations, page 445, 1875, appears to deal with just such a case, where an opinion was given by an eminent counselor that "a marriage contracted between Americans before the minister of the United States and at the hotel of the legation is valid in the eyes of the French law." The Department of State, however, decided the marriages must be performed in accordance with French law, although performed within the precincts of the legation. I respectfully ask that I may be instructed whether I am to adopt the course followed by Mr. Putnam, or whether my decision in Mr. Reed's case is to serve for future guidance in such matters.

Should you decide that Mr. Reed's request should be complied with, a cablegram to that effect will enable me to grant it without inconvenience to him as to time.

I have, &c.,

NICHOLAS FISH.

[Inclosure 1 in No. 202.]

Mr. Reed to Mr. Fish.

AUBURN, N. Y., *April* 22, 1884.

DEAR SIR: I have a special case to put before you, and to which I ask your kind attention. Will you permit the marriage of an American gentleman and lady to take

place at the legation, the ceremony being performed by an American missionary from Constantinople? The lady is the daughter of a missionary at Constantinople and I am a clergyman of the Presbyterian Church. Necessity compels me to take but a short leave of absence, not long enough to go to Constantinople, but only that I may go as far as Brussels and meet the lady there and return *immediately* to the United States.

I am encouraged to write to you by a letter which I have received from James O. Putnam, esq., formerly minister to Belgium.

In it he says: "In exactly such a case as you name I submitted the facts to the Belgian Government. The foreign minister replied that if the parties were Americans and the marriage took place at the *legation*, the Belgian Government took no cognizance of it. The marriage took place in presence of myself and the United States consul, as required by our rules in such cases. The case is recorded at length in the legation miscellaneous letter-book of my time. Several marriages have taken place there under diffierent American ministers. If the minister allows the marriage at the legation, I should not hesitate about it."

We hope to meet in Brussels about the last week of May. I shall sail from New York before an answer from you could reach me, and so will ask you to have the kindness to send your reply to London, that I may find it there upon my arrival.

Please direct: Rev. Orville Reed, care of Mr. George P. Baker, No. 35 Milk street, Cheapside, London.

Hoping that the answer may be an affirmative one, I am, dear sir, very sincerely yours,

ORVILLE REED.

[Inclosure 2 in No. 202.]

Mr. Fish to Mr. Reed.

LEGATION OF THE UNITED STATES,
Brussels, May 3, 1884.

SIR: In answer to your letter of the 22d ultimo, I have to inform you that although it was formerly customary for marriages to be celebrated at the legation by an English or American clergyman, of late years such marriages have not been sanctioned by the Department of State's instructions of more recent date.

The latter holds "that a marriage performed within the precincts of a legation may nevertheless be deemed to be performed in the country within which the legation is situated, and therefore ought in all respects to comply with the requirements of the country in order to insure its validity."

The statutes of the United States provide that all marriages in the presence of any consular officer in a foreign county, between persons who would be authorized to marry if residing in the District of Columbia, shall have the same force and effect and shall be valid to all intents and purposes as if the said marriages had been solemnized within the United States. (Consular Regulations, § 414; R. S., 4082.)

The statute does not authorize the consul to perform the ceremony of marriage, or to countenance the doing of any act which would be, or even seem to be, the violation of the laws of the country in which he resides. The statute contemplates that the ceremony is to be performed in his presence, but it should be done according to local law. (Consular Regulations, § 417.)

The foregoing considerations, however, are held not to apply to China, Japan, Madagascar, Siam, Turkey, the Barbary States, and other non-Christian and semi-civilized countries in which consular courts are established. (Consular Regulations, § 418.)

You will find the Belgian law of marriage set forth in "Les Codes en Vigueur en Belgique," Brussels, 1881, pages 39 *et seq.* Its provisions are those of the "Code Napoléon."

Should you, after complying with the provisions of the Belgian law and section 4082 of the Revised Statutes of the United States, desire to have a religious ceremony performed at this legation, the rooms of the legation will be at your service, if you will give me due notice of when you desire such ceremony performed, and upon your submitting the evidence of your nationality.

I am, &c.,

NICHOLAS FISH.

No. 19.

Mr. Fish to Mr. Frelinghuysen.

[Extract.]

No. 224.] LEGATION OF THE UNITED STATES,
Brussels, June 25, 1884. (Received July 10.)

SIR: The competition of American and other foreign grain with that of Belgium has caused for a number of years a great depression among the agricultural classes in this country. It has reduced the price of grain and has caused the owners of the land to diminish the rentals of their farms, and has for a long time been the black spectre which the ever-complaining agriculturist has alleged as the author of all his misfortunes.

The clerical majority comprises a very large proportion of the landed proprietors. Among the measures which were advocated in the recent election campaign by several of the clerical speakers was one to place a customs duty on imported grain.

* * * * * * *

The matter, in my opinion, will be referred to the chambers of agriculture for examination and report, and then be submitted to the action of the legislative chambers.

It is a matter of much discussion in the press, and one on which the clerical press cannot unite, as the commercial and manufacturing centers like Antwerp and Ghent are naturally opposed to a tax upon their trade or upon so important an article of their consumption.

The Liberal press have raised a vehement protest against such a measure. They accuse their adversaries of advocating the imposition of the grain duty in the country while opposing it in the commercial and manufacturing districts. They also accuse the clericals of professing their intention not to vote the measure, in order to curry favor in the cities, and that after the elections of the 8th July they intend to vote it.

The amount of the tax imposed varies in the estimate of its advocates from 50 centimes to 5 francs, according to the zeal with which they press the adoption. It is important, therefore, to consider the large interest we have in this subject.

I therefore submit the following statistics of the movement of grain during 1882, gathered from the Belgian official publications:

Grain.	Total importation from all countries.	Total exportation from all countries.
	Kilograms.	*Kilograms.*
Wheat	715, 686, 548	304, 168, 468
Rye	129, 070, 842	92, 768, 897
Barley	255, 871, 290	49, 886, 116
Beans, peas, &c	23, 137, 030	8, 067, 125
Oats, Indian corn, &c	183, 224, 579	72, 540, 449
Total	1, 307, 990, 289	527, 431, 055

The estimated value of these cereals was:

Grain.	Total importation from all countries.	Total exportation from all countries.
	Francs.	*Francs.*
Wheat	200, 392, 233	85, 167, 171
Rye	25, 814, 168	18, 553, 779
Barley	49, 532, 971	10, 476, 085
Peas, beans, &c	5, 784, 258	2, 016, 781
Oats, Indian corn, &c	34, 812, 670	13, 782, 686
Total	316, 336, 300	129, 996, 502

A comparison of these figures gives us the following amounts and values of the excess of importation over exportation:

Grain.	Excess in weight.	Excess in value.
	Kilograms.	*Francs.*
Wheat	411, 518, 080	115, 225, 062
Rye	26, 301, 945	7, 260, 389
Peas, beans, &c	15, 069, 905	3, 767, 477
Barley	205, 985, 174	39, 056, 886
Oats, Indian corn, &c	110, 684, 130	21, 029, 984
Total	779, 559, 234	186, 339, 798

With the exception of barley, the United States is among the largest contributors to the supply of these products, while we furnish nearly one-half of the supply of wheat. Our rivals in the market are Russia, British India, France, and the Netherlands.

The following table shows the proportions which each of these countries furnished to Belgium in 1882:

Country.	Wheat.	Rye.	Peas, beans, &c.	Oats, Indian corn, &c.
	Kilograms.	*Kilograms.*	*Kilograms.*	*Kilograms.*
United States	344, 276, 206	15, 540, 296	2, 133, 761	12, 776, 888
Russia	133, 673, 112	41, 645, 652	873, 210	98, 830, 707
British India	118, 146, 157	None	None	None
France	(*)	52, 344, 067	(*)	(*)
Netherlands	(*)	(*)	7, 805, 524	(*)
Total	596, 095, 475	109, 530, 015	10, 812, 495	111, 607, 595
All other countries	119, 591, 073	19, 540, 827	12, 324, 535	71, 616, 984

* The exportation is in excess of the importation.

There is no exportation of any of these products to the United States, Russia, or British India.

The excess of importation into Belgium over exportation of rye to France is 51,897,606 kilograms; that of peas, beans, &c., from Holland is 7,102,616 kilograms. Should legislation of the nature proposed be

enacted, it will doubtless affect the importation of grain from the United States, the value of which is thus given:

Grain.	Value.
	Francs.
Wheat	96, 397, 337
Rye	3, 108, 059
Barley	87, 570
Peas, beans, &c	533, 440
Oats, Indian corn, &c	2, 427, 609
Total	102, 554, 015

There is no exportation to the United States.

The exports of these products are thus distributed:

Exportation in 1882.	Wheat.	Rye.	Peas, beans, &c.	Oats, Indian corn, &c.
Denmark				243
Hamburg	1, 883, 070			
Prussia	121, 446, 155	67, 611, 359	3, 661, 346	31, 629, 493
Grand Duchy of Luxemburg	7, 443, 682	2, 269, 754	69, 889	638, 273
Netherlands	71, 289, 076	22, 401, 323	692, 908	9, 022, 652
England	697, 600		95, 017	182, 845
France	84, 506, 206	446, 461	3, 486, 732	27, 329, 478
Portugal	251, 850			
Spain	466, 425			
Switzerland	16, 056, 486	40, 000		3, 737, 465
Other countries	137, 918		61, 233	
Total	304, 168, 468	92, 768, 897	8, 067, 125	72, 540, 449
Of this in transit	4, 642, 408	28, 388, 012	1, 111, 651	5, 722, 262

The small amount passing through Belgium "in transit" indicates that the present mode of shipping grain is almost entirely done through Belgian intermediaries. They get the benefits of the handling, the commissions and profits, and a considerable share of the freights' insurance. The trade gives employment to a large number of persons.

As affecting the Antwerp trade, we find that 682,189 tons of wheat, 75,680 of rye, 177,599 of barley, 10,845 of peas, beans, &c., and 162,091 of oats, Indian corn, &c., were imported by sea into Belgium, and 3,859 tons of wheat, 22 tons of barley, 170 tons of peas, beans, &c., and 183 tons of oats, Indian corn, &c., were exported by sea from Belgium.

Nearly all of this traffic was effected through Antwerp. It amounts to a gross total of 1,112,538 tons. There is a source of revenue derived from this trade which is of importance to the state, viz, the railway, river, and canal freights.

The exportation of these products by rail and inland navigation amounted to an aggregate of: Wheat, 300,309; rye, 92,768; barley, 49,863; peas, beans, &c., 7,897; oats, Indian corn, &c., 72,357—523,194 tons; to which, in this connection, might be added the local transportation of the amount consumed in Belgium. Should Belgium tax the entry of these products, they will naturally seek other channels of transportation than through her territory, and thus deprive her of a very large and lucrative trade in distributing them to other countries.

The political and economical considerations of the question of such a duty are so vast, they involve so many issues and interests, that it would be impossible to deal with them in a single dispatch, nor could they be treated in a proper manner until the proposal shall have assumed a more definite form.

I have, &c.,

NICHOLAS FISH.

BRAZIL.

No. 20.

Mr. Trail to Mr. Frelinghuysen.

No. 110.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, May 21, 1884. (Received June 17.)

SIR: On the 25th of March last there occurred in the province of Ceará the celebration of an event of such great importance in the history of Brazil that I deem it worthy the subject of a dispatch.

This event was the liberation of an entire province from the curse of slavery.

For a just appreciation of the importance of the festival a brief *résumé* of the history of slavery in Brazil is necessary.

In the beginning of the colonization of this country Portugal unloaded upon these shores her criminals and social outcasts.

In the sixteenth and seventeenth centuries the spirit of emigration was not sufficiently advanced in Portugal to induce the better class of people to seek a home and fortune in foreign lands, and thus the first colonists were men of a rather low condition in life.

For the cultivation of the soil of this country, of unsurpassed fertility, slave labor naturally suggested itself to the pioneers, and a great part of Africa being at that time in the power of Portugal, there commenced the forced populazation of Brazil with the negroes, and "the habitat of the African race was extended from the banks of the Congo and the Zambesi to those of the Saint Francisco and of the Parahyba of the south."

The traffic in slaves thus begun was carried to an almost incredible extent. In the language of Joaquim Nabuco, the author of "O Abolitionismo," "there was, so to speak, a bridge thrown between Africa and Brazil by which passed millions of slaves." At one period prior to 1851 the author states the figures of 50,000 per annum of imported negroes are no exaggeration.

In the first quarter of the nineteenth century there arose in Brazil the feeling that something ought to be done to alleviate the condition of the slave, or, at any rate, that measures ought to be taken to check the infamous traffic, which at that time was conducted in a manner so revolting that the details do not bear description.

The first victory for the humanitarians—abolitionism was not then dreamed of—was the passage of the law of November 7, 1831, which declared free all negroes and their children who should be imported into the Empire after that date. This law was never executed, as thousands were imported to these shores subsequent to 1831. They and their children and grandchildren are now held in bondage, in utter contempt of the said law of 1831, which has never been repealed.

From 1831 to 1851 occurred the diplomatic fight between England and Brazil because of the failure of the latter power to execute her treaties and laws in reference to slavery; then came the Aberdeen bill in England; and finally the foreign traffic was broken up in 1851. From this date to September 28, 1871, we find the friends of the slave slowly advancing their cause.

During the war between Brazil and Paraguay, in 1866, a decree was

passed granting freedom to all the slaves of the nation who might be employed in serving in the army, and titles of nobility were granted to such *fazendeiros* as furnished slaves in numbers to the imperial army.

In 1867 the "Society of Emancipation" in France, composed of le Duc de Broglie, Guizot, Laboulaye, A. Cochin, le Prince de Broglie, le Comte de Montalembert, Wallere, and many other distinguished men, addressed a petition to His Majesty the Emperor, urging him to insist upon active measures being taken in behalf of the slaves.

The credit for the suppression of the traffic with Africa, in 1851, is due principally to England. In 1867 we find the leading men of France protesting against the further existence of an institution so totally at variance with the spirit of Christianity and civilization.

The slave power was, however, too strong at that time for His Imperial Majesty, but his feelings on the subject are clearly expressed in a communication made by his son-in-law, le Prince Gaston d'Orleans, Comte d'Eu, the chief of the imperial army, at the close of the war with Paraguay, to the President of the Provisional Government. In this paper le Comte d'Eu said, "Grant freedom to your slaves, and you will do away with an institution of despotism and deplorable ignorance."

It was at this time, 1869, that the Liberal party inscribed on its banner "The emancipation of the slave," and agitated the subject persistingly and fearlessly in Parliament, in the press, and at public meetings. Finally, in 1871, September 28, the "Rio Branco" law passed. It is this law that is in effect to-day, and on the subject of which there is now going on in Parliament and elsewhere so much discussion. It was not solely the work of the Liberal party, but it was a compromise measure, as a perusal of its contents clearly indicates. The effort was made to satisfy the abolitionists by decreeing that after September 28, 1871, no one could be born into the condition of slavery in Brazil; and it was hoped that the slave-owners would acquiesce quietly in the measure, as it did not affect their interest in slave property existing at the time of the passage of the act.

The law is of peculiar interest, because it is the last legislative act on the subject of slavery passed by a civilized nation, and in all probability it will remain the last.

The legal status of the Brazilian slave is set forth in a work entitled "Promptuario das Leis de Manumissão," containing 394 pages, and from this book I quote a few articles to elucidate in a measure the present state of the question:

ARTICLE 1.

The children of slave mothers that shall be born in the Empire after the date of this law shall be considered of free condition.

SECTION 7. The said children will remain in the power and under the authority of the masters of their mothers, who (the masters) will be obliged to bring them up until they have completed eight full years.

The child of a slave mother arriving at this age, the master of the mother shall have the choice either to receive from the state an indemnification, of 600 milreis, or to utilize the services of the child until it has completed twenty-one years of age.

The pecuniary indemnification fixed above shall be paid in 6 per cent. bonds, to run for thirty years.

If a slave mother obtains her freedom, she takes with her her children under eight years of age.

Masters who maltreat such children will be deprived of their services, and these children, as well as those given to the state in exchange for the indemnification, will be intrusted to the associations authorized by the Government, who will take care of them and instruct them in some useful trade or occupation.

The emancipation fund.

ARTICLE 3.

There shall be annually freed in every province of the Empire as many slaves as shall correspond to the quota allotted to each province, out of the fund destined for that purpose.

The emancipation fund is derived from—

The tax on slaves; subscriptions, legacies, &c.; six annual lotteries; fines from the violation of this law, &c.

The judges of the orphans' courts in each province have control of the fund.

The same law requires all the slaves to be registered. From these matriculated slaves the said judges draw the names of the fortunate ones who are freed at the expense of the fund. The law also provides for estimating the value of slaves to be freed, by creating a board of assessors.

By article 6 all the imperial slaves are declared free.

The friends of the slave are now demanding for him unconditional and immediate freedom. They say that, according to the records of the *fazendas* apparently no children were born of slave mothers just after the 28th of September, 1871, while the lists show an unheard-of increase of births for 1870.

Thus the first cause for complaint is the alleged falsification of the records by the slave-owners. In the matter of matriculation and assessment great abuses are likewise said to exist.

Only a very few masters choose to deliver to the Government the children born of slave mothers since September 28, 1871, and to receive the bond entitling to 36 milreis a year for thirty years, while the legal requirement of instructing these children has in but a few cases been performed. In consequence of this his highness le Comte d'Eu has only recently organized a society to look after these children, full provision for whom it was thought had been made in the law of 1871.

The returns for June 30, 1882, which are the latest, give as the number of slaves in the Empire at that date 1,346,648. Add to this the number of *ingenuos* (children born of slave mothers since September 28, 1871, are so called) which is 360,000 and over, and we have a total of more than 1,700,000 beings in the condition of slavery out of an entire population of only 10,100,000. In other words, it is safe to say that one person out of every six in Brazil is a slave. When we take this fact into consideration, and reflect upon the magnitude of interests involved, it is easy to understand why the slave-owners, who constitute the ruling element, will not agree to any change in the present laws affecting the servile element.

During the past few years the abolitionists, who now constitute a very formidable party, composed of an almost infinite number of societies all over the Empire, had directed their efforts to the enfranchisement of a single parish in the province of Ceará. This was accomplished with seemingly no very great difficulty, and gradually parish after parish became free, until on March 25 of this year the entire province of Ceará was enabled to declare that not a slave remained upon its soil.

The consummation of this great work afforded the occasion for a grand celebration, and both in Ceará and in Rio festivals were held by the different abolition societies, at which there was great rejoicing, and the pledge taken that there should be no faltering in the work until the whole Empire could boast that it had at last put itself on the same footing with the civilized nations of the globe.

When the slave-owners of Ceará became convinced that their province was to be the one against which the efforts of the abolitionists were to be directed, many of them sent their slaves to Rio and sold them.

In September, 1873, there were in the province 33,400 slaves; in January, 1881, this number was reduced to 20,000.

In the same year the *jangadeiros* (raftsmen or boatmen) decided that no more slaves should be transported from the province, and this stopped the active export to Rio de Janeiro.

The slave-owners then realized the situation, and the price of slaves declined rapidly. In this way the emancipation fund was made to do much more good than it had formerly done. "The average price in the application of the first quota was 437 milreis, and of the fourth 85 milreis, which shows the progressive depreciatory influence of the emancipation agitation." Eighty-five milreis are about $37.

Additional funds for freeing the slaves were derived from private contributions, lotteries, and 26,198 milreis contributed by the slaves themselves.

The population of Ceará in 1882 was 689,773 free and 31,913 slaves, or 22 to 1; while the province of Rio had 490,087 free and 292,637 slaves, or 1½ to 1; and São Paulo 680,742 free and 156,612 slaves, or 4 to 1; from which it will be seen that Ceará was not one of the great slave-owning sections.

The task of enfranchising Ceará was rendered still more easy from the fact that it is not a coffee-producing province, but a grazing country. The *fazendeiros* claim that it is an impossibility to find any being save an African slave who can stand being exposed the whole day to the rays of the tropical sun, a torture that the laborer must undergo in the cultivation and the picking of the berry.

His Majesty the Emperor said, on opening the present Parliament:

> A Government bill asking you to pass measures in regard to the slave element is awaiting your decision.
>
> This is a grave matter, but one whose final solution will be arrived at by the execution of the system of the law of September 28, 1871, and the Government is sure that for its development you will adopt the measures suggested by your wisdom.

That is to say, the Government advises the execution of the law of 1871 now, twelve years after its passage, as a means of extricating itself from this "grave matter."

And it is indeed a grave matter for this country. Assassinations of masters and overseers by slaves, followed by the most terrible revenge, are becoming more and more frequent.

Brazil is bidding for immigrants to open up her wonderful resources; but immigrants are not to be found who are willing to offer their labor in competition with that of slaves. Her finances are a source of increasing uneasiness; but every one knows that the worst has not been reached yet, which will come on that day when the country finds her industries totally paralyzed through the want of labor, her slaves having acquired their freedom either by some legal enactment or as the result of a servile insurrection. After that, freed of this terrible incubus, starting anew with the principles that underlie all civilized nations, she ought soon to attain that rank among the powers of the globe for which nature has evidently destined her.

I have, &c.,

CHARLES B. TRAIL.

[Works referred to for facts and figures: "O Abolitionism," "Promptuario das Leis, &c.," "Almanach de Gotha," "Anglo-Brazilian Times," and "Journal do Commercio."]

No. 21.

Mr. Trail to Mr. Frelinghuysen.

No. 116.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, June 27, 1884. (Received July 19.)

SIR: One of the causes of the downfall of the late ministry of Senhor Lafayette was his expressed determination to carry into effect the law of June 28, 1870. This law orders that the realty of the monastic orders shall be sold and the proceeds invested in national stock. It guarantees to the orders the interest accruing on said investment during the lifetime of the members, and concludes by stating that the conversion is to take place within ten years.

Over thirty years ago a law was passed prohibiting the creation of any new monastic orders, and forbidding any of the then existing orders to take in any new members after that date. All the realty held in mortmain by the said orders would, on the death of the last member of each order respectively, revert to the state.

At the present time many of the orders are reduced to four, three, and even one surviving member. It is the intention of the Government to provide for the surviving members during the remainder of their lifetime by paying them yearly a sum of money equal to the yearly income the property taken from them ought to yield at a fair valuation.

Those orders having schools or hospitals in connection with their monasteries are exempt from the operation of the law.

Many of the orders have maladministered their property, in some instances squandering their funds in dissipation. Valuable city property come to them by legacy has been allowed to go to ruin by neglect, rendering the general improvement of the city in the vicinity of such property impossible.

The orders doing good, those having schools and hospitals, are to be left undisturbed, while the other class is to be deprived of the further control of its property.

In December last the late ministry appointed a commission to convert the said property. The first step taken by the commission was to order persons renting houses from the orders to pay the rent which would fall due at the end of the year to the agents of the commission. The tenants then found themselves threatened with eviction on default of payment both to the agents of the commission and to the agents of the religious orders. At this point the matter was brought before the proper court, and a decision was rendered declaring the acts of the commission illegal. Pending the decision the tenants paid their rent into the national treasury, to be subject to the order of the court. From the treasury it was immediately taken by the commission, the minister of that department giving up the money on the order of the minister of the Empire. The commission is now engaged in quietly making an inventory of the realty of the orders in the Empire.

The religious orders and their friends object to the execution of the law now, more than thirteen years after the passage of the law, and especially to the acts of the commission, proceeding as it has in defiance of the decision of the court. A commission with extrajudicial powers in a time of perfect peace, they claim, is an institution in violation of the constitution of Brazil. When the information reached Rome of the appointment of a commission to carry out the act of 1870, His Holiness the Pope promptly sent his protest against what he was pleased to consider as the spoliation of the church.

Without undertaking to give the reply of the Government, it may be safely stated, I think, that the weight of public opinion is on the side of the Government in this matter of the conversion of the monastic realty.

The new minister of the Empire being interpellated, very recently, on this subject, replied that it was the intention of the Government to carry out the law of 1870, and that the measures adopted by the previous ministry to that end were fully approved.

I have, &c.,

CHARLES B. TRAIL.

No. 22.

Mr. Trail to Mr. Frelinghuysen.

No. 130.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, September 16, 1884. (Received October 24.)

SIR: With the growing conviction that the days of slavery are numbered in Brazil, the question of immigration becomes more and more vital to the Empire. It is the general belief that the slaves, when enfranchised, will cease to constitute the labor element.

Admitting this, and leaving the native as a laborer out of the question for the present, it is then necessary for the life of the country that a current of foreign laborers should set in to Brazil to take the place of the blacks. It is also held that the yield of the land will be far greater when obtained with free labor than it was when worked with slaves, or than could be obtained with the same element after freedom.

"During the five years (1874–'79) the state expended the immense sum of $13,000,000 to promote immigration and support immigrants."* It had contracts with the Colonization Society of Hamburg, and with individuals, for the introduction of foreign labor. Three small islands in the bay were purchased for the free reception and care of from 800 to 1,000 for a period not to exceed eight days. Transportation by rail and steamboat to the provinces was offered free. In Espirito Santo, Parana, and São Pedro do sue commissions were organized for allotting state land to immigrants.

The efforts of the Government have been signally unsuccessful.

The number of spontaneous immigrants in 1876 was 30,000; in 1877, 29,000; 1882, 24,493 (official); 1883, 24,827 (official); there also came the same year 1,962 under special contracts. For the month of May ultimo, the latest statistics I possess, the number of immigrants was 2,806, of which number 329 were females. According to nationality there were 1,618 Portuguese, 655 Italian, 247 German, 116 Spanish, 110 French, 39 Austrian, 12 English, and 9 others; of these 2,806 only 204 went to the provinces to be agricultural laborers or settlers. In the same month there left the Empire 777 foreigners classed as immigrants, so that the actual gain for May was 2,029. The Journal do Commercio, commenting upon these figures, says:

If we except the Portuguese, who are not drawn hither by the efforts of the administration, from the totality (2,806) as entered in May, we have only 1,188, which certainly gives an insignificant result for our system. Although we would like to say the contrary, it is but true that the current of immigration to Brazil shows no increase; we fear it will decrease when we consider that of all the countries now engaged in populating their territories it is Brazil that offers the least inducements to the foreign laborer.

---

*Consul-General Andrews's report, April, 1884.

Of the 24,827, who arrived in 1883, 13,737 were transported to the provinces, principally to São Paulo and to Rio Grande do Sul. These represent the number intending to engage in working the land. The remaining 11,090 either, in part, staid in Rio, returned to Europe, or went to the River Plata.

Bearing in mind that Brazil has an area equal to that of the United States (excepting Alaska), and that her population does not reach 11,000,000, the figures given above are discouraging.

The Government assumes all third-class passengers arriving in Rio to be immigrants. This leads to some error, as occasionally numbers under this head come to engage in some specific work for which they have contracted before leaving Europe, and on the expiration of which they immediately return with their savings.

The legal status of the immigrant is based on the law of 1879. Under it contracts are authorized by the Government to be made with foreign laborers for a term of years not exceeding five; provision is made for the renewal of contracts; the immigrant is not allowed to substitute any one in his place to fill out his term in case he is unwilling or unable to continue longer in the service of the contractor; in case the contractee becomes the debtor of the contractor he is obliged to remain one or two years longer in service under the original contract; the contractor is permitted to summarily dismiss a contractee for prolonged illness, drunkenness, or attack upon his honor or that of his family, and for insubordination. There is a clause also that specifies that in the absence of a specific agreement the laborer is to receive half the crop in case he has a separate parcel of land allotted to him.

In practice the contractor makes a specific agreement with the immigrant for five years, and where there is to be a division of the crop, the immigrant's share is nearer one-fifth than one-half. The contractees find themselves so much in the power of their masters that many of them run away, preferring to lose their interest in the crop rather than remain longer in a condition of virtual serfdom. In some cases the immigrants who engage to work on *fazendas* (plantations) live in the same *senzalas* (quarters) with the slaves, and, in almost every case, as contractees they are far less independent than they were in the Old World.

The subject of immigration has an entirely different aspect in Brazil from what it has in the United States, Australia, and the Argentine Republic. There immigration is desired to open up and develop the latent resources; here the object is to replace the slave labor on land already for years under a fair degree of cultivation.

Nearly the only occupation outside the large cities open to the unskilled laborer arriving in Brazil is work on a *fazenda*, unless he can afford to wait from five to eight years before realizing anything from his efforts. The staples, coffee and sugar, require on a new plantation, the former five years, the latter two, before their crops pay at all. Of course, precedent to this is the necessary cleaning and preparation of the ground.

The importation of labor to work the land is especially desirable because there is no free agricultural labor in the country. The lower classes of Brazilians work only when compelled by the direst necessity, and cannot be relied upon for that steady, constant labor requisite for manipulating the soil successfully. The Brazilian is the offspring of either the Portuguese and negro, or the Portuguese and Indian, or the Indian and negro.

While this mixture of races has produced many men remarkable in politics, in the management of public affairs, and even in letters, every one knows this *métissage* has not formed a people of steady, economical workers.*

One characteristic of the nation is a certain mistrust, a feeling of suspicion and dislike towards foreigners. Formerly this feeling was very bitter, but it has now nearly entirely disappeared. It accounts in a large measure for the fact that foreigners do not care to become naturalized; they do not come as genuine immigrants, but as colonists, and remain so, never becoming part of the body politic of the country. One finds here the Portuguese, French, and English colonies, besides others, each retaining its distinctive national characteristics.

As a way to solve the land-labor question it has been suggested and advocated that the large *fazendas* be divided into small farms to be cultivated by the immigrants on easy terms, and that the *fazendeiros* (landlords) only retain direct control of the mills and machinery for preparing the coffee and cane for market, such machinery being far too expensive for the immigrant to possess. The field work would then be under the management of the men who perform it, while the *fazendeiros* would control the more advanced stages in the manipulation of the crops. It is probable some such plan as this will have to be adopted when the negroes are freed.

Brazil cannot expect a really desirable class of laborers to come to her until slavery is abolished, until all religious orders are put on the same footing, and until more satisfactory immigration laws are enacted.

The question of immigration to this Empire is of great import to the countries of the Old World looking for an outlet for their surplus population. The interest the United States takes in the subject is, of course, of a different nature, it being the earnest, sincere desire to see a friendly power succeed in its plans for the prosperity of its people.

I have, &c.,

CHARLES B. TRAIL.

CENTRAL AMERICA.

No. 23.

Mr. Hall to Mr. Frelinghuysen.

No. 188.] LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, January 3, 1884. (Received January 26.)

SIR: The Republic of Salvador has promulgated recently its third constitution in twenty years, viz, the constitution of 1864, reported by Mr. Partridge in his dispatch No. 40, of the 12th of April of that year; the constitution of 1871, by Mr. Biddle in his No. 13, of the 5th of January, 1872; and the present constitution, decreedon the 4th of December, 1883. A printed copy and a partial translation of the latter are transmitted herewith, and I beg to invite your consideration of a few of its provisions:

ART. 2. Salvador considers herself a separated section of the Central American nation, and is disposed to concur with all or any of the Republics into which it is

* Prof. Louis Conty.

divided in the organization of a national Government whenever circumstances may permit or it may suit her interest, as also to form a part of the great Latin American confederation.

ART 14. The free exercise of all religions is guaranteed, without other limits than those prescribed by morality and public order.

In the former constitution the Roman Catholic apostolic religion is declared that of the state; other sects were merely tolerated.

ART. 76. The duration of the presidential term shall be four years, which shall commence and terminate on the 1st of February of the year of renewal.

Under the constitution of 1872 the duration of the presidential term was also four years, but without immediate re-election; that is, the President could not be re-elected for a successive term. This provision in the old constitution being abolished permits of the constitutional re-election of President Zaldivar, which was, beyond a doubt, the principal object aimed at in the formation of this new constitution.

There are other provisions in the new constitution, which relate to the status of foreigners and the children of foreigners, which will be the subject of my next dispatch.

I have, &c.,

HENRY C. HALL.

No. 24.

Mr. Hall to Mr. Frelinghuysen.

No. 189.] LEGATION OF THE UNITED STATES,
IN CENTRAL AMERICA,
Guatemala, January 3, 1884. (Received January 26.)

SIR: Mr. Logan, in his dispatches numbered 44 and 45, of the 6th and 22d December, 1879, from this legation, invited the Department's consideration of certain articles of the new constitution of Guatemala affecting the rights of foreign residents of the country, and conflicting with the laws of the United States and other countries, which declare that the children, wherever they may be born, of their citizens and subjects, retain the nationality of their parents. He also reports in the same dispatches the action taken by his colleagues of Great Britain, Germany, France, Italy, and Spain, at a meeting called by himself to consider and to adopt a common action in recommending a modification of the articles referred to, the constitution being at the time under discussion in the Legislative Assembly. No modifications, however, were adopted, and a few days later the constitution, with all of its objectionable features, was promulgated.

As I had the honor to inform you in my No. 188, the Republic of Salvador has recently adopted a new constitution, into which many of the provisions contained in the constitution of Guatemala have been inserted, among them the same articles relating to foreigners (5, 14, and 23) of which Mr. Logan and his colleagues complained, as the following extracts will show:

Article 17 contains the following:

Foreigners shall not have the right of recourse to diplomatic aid except in cases of denial of justice. The sentence of a court which may not be favorable to the claimant shall not be considered a denial of justice.

The foregoing is a copy of the second paragraph of article 23 of the constitution of Guatemala.

ART. 37. Native Salvadorian citizens are those who are born in the territory of the Republic, except the children of diplomatic representativ es or of foreigners who may be accidentally in the country.

The article in the Guatemalan constitution corresponding to the foregoing is as follows:

ART. 5. Paragraph 1. All persons born or who may be born in the territory of the Republic, whatever may be the nationality of the father, excepting the children of diplomatic agents.

ART. 40. Neither Salvadorians nor foreigners can in any case claim indemnity for damages and injuries caused by factions.

The original, in Spanish, of the foregoing, is a copy of article 14 of the Guatemalan constitution.

ART. 42. The fact of a Salvadorian woman marrying with a foreigner does not divest her of her character of Salvadorian

The objections to the several articles of the Guatemalan constitution, as they affect foreigners and are set forth in Mr. Logan's No. 44 and No. 45, apply to the same provisions in the constitution of Salvador. After the failure of the diplomatic corps to obtain any modification of the Guatemalan constitution while it was being discussed in the Legislative Assembly, the several representatives referred to addressed the minister for foreign affairs notes similar to Mr. Logan's, a copy of which is annexed for convenient reference. Although I do not find any special instruction on this subject to Mr. Logan, but as notes were addressed by himself and his colleagues to the Guatemalan Government at the time of the adoption of its constitution, expressing dissent as to the provisions above mentioned relating to foreigners, I have, in accord with the same colleagues, deemed it advisable to call the attention of the Salvadorian Government thereto, by addressing the minister of foreign affairs the note of which inclosure No. 2 is a copy.

The representatives of Great Britain, France, Germany, Spain, and Italy have also addressed the minister notes in similar terms.

I trust that my action as above reported will meet your approval.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 189.]

Mr. Logan to Mr. Herrera.

GUATEMALA, *December* 19, 1879.

SIR: The undersigned has to acknowledge the receipt of your excellency's note of the 17th instant, inclosing six copies of the constitution recently adopted by the National Constituent Assembly of Guatemala, and now officially promulgated as operative from the 1st day of March next.

Having carefully perused the printed copy, he has noticed certain articles of the constitution which seriously affect the plainest rights of his countrymen, as well as his own faculties and prerogatives as a foreign representative.

In view of the instructions of his Government, he has, therefore, to declare that he will continue in the future, as in the past, to protect the persons and interests of his countrymen, to cause their just rights to be respected, to sustain their proper claims, and to demand redress in all cases in which diplomatic intervention may be justified by the law of nations.

With sentiments, &c.,

C. A. LOGAN.

[Inclosure 2 in No. 189.]

Mr. Hall to Mr. Gallegos.

GUATEMALA, *December* 24, 1883.

SIR: I have the honor to inform your excellency that my attention has been invited to the new constitution of the Republic of Salvador (published in the Diario Oficial of that capital of the 8th instant), and especially to its provisions relating to foreigners. These provisions are identical in text or tenor with those of the constitution of Guatemala of 1879, which were at the time the subject of protest on the part of my predecessor, Mr. Cornelius A. Logan, who, in view of his instructions, declared to the Guatemalan Government that the provisions referred to affect "the plainest rights of his countrymen, as well as his own faculties and prerogatives as a foreign representative."

In accordance with the same instructions, I beg leave, most respectfully, to state that wherein the above-named provisions affect the rights of citizens of the United States my Government will require that those rights shall be respected, that their just claims shall be sustained, and that redress shall be demanded in all cases in which diplomatic intervention may be justified by international law.

I have, &c.,

HENRY C. HALL.

No. 25.

Mr. Hall to Mr. Frelinghuysen.

[Extract.]

No. 195.] LEGATION OF THE UNITED STATES IN CENTRAL AMERICA,

Guatemala, January 21, 1884. (Received February 15.)

SIR: In my dispatch No. 189, of the 3d instant, I inclosed a copy of my note of the 24th December ultimo, addressed to the minister for foreign affairs of Salvador, in relation to certain provisions of the new constitution of that state touching the rights of foreigners and the prerogatives of foreign representatives.

I have now to transmit a copy and translation of the minister's reply, dated the 4th instant, to my note above mentioned, in which I am informed that the Government of Salvador accepts as sincere the views expressed by me, and, while dissenting therefrom as to the provisions in question affecting the rights of foreigners or the prerogatives of foreign representatives, it declares at the same time that it will continue to accept the diplomatic intervention of foreign representatives in conformity with the treaties in force and the general provisions of international law.

* * * * * * *

I have, &c.,

HENRY C. HALL.

[Inclosure in No. 195.—Translation.]

Señor Gallegos to Mr. Hall.

MINISTRY OF FOREIGN RELATIONS OF THE REPUBLIC OF SALVADOR,

San Salvador, January 4, 1884.

Mr. MINISTER: By your excellency's courteous communication of the 24th ultimo the Salvador Government has been informed that some of the provisions of the new constitution of the Republic have attracted your attention, being identical with those which in 1879 were the object of the protest of one of your predecessors in Guatemala, in virtue of their affecting as well the rights of your fellow-citizens as your own rights and prerogatives as a foreign representative. With this view, following the

same instructions given previously by your Government, your excellency stated that wherein the provisions referred to affect the rights of your fellow-citizens you will ask that they may be respected and their just claims attended to in all cases in which diplomatic intervention may be justified by international law.

My Government at once accepts as sincere your excellency's courteous manifestation, and although dissenting essentially in the appreciation of the provisions alluded to, which, in its judgment, far from impairing, recognize the rights of foreigners to the same extent and under the same guarantees as of Salvadorians, has no objection to declare at the same time, which it does through my medium, that in the future, as in the past, it will continue to accept the diplomatic intervention of foreign representatives in conformity with the treaties in force and with the general provisions of international law.

Having thus answered your excellency's referred to communication,

I have, &c.,

SALVADOR GALLEGOS.

No. 26.

Mr. Hall to Mr. Frelinghuysen.

No. 241.] LEGATION OF THE UNITED STATES IN CENTRAL AMERICA,

Guatemala, July 25, 1884. (Received August 15.)

SIR: In May, 1883, the Costa Rican Congress passed a law making Port Limon, on the Atlantic, a free port for the term of ten years. Ten months later, the same Congress, without giving any previous notice of its intention, regardless of the foreign interests created, foreign capital invested, and foreign enterprises undertaken under the inducements held out by that act, repealed the law and established the former tariff upon imports. I inclose copies and translations of both decrees.

I inclose also an extract from a letter from Mr. Consul Morrell, with its inclosure from a well-known American who has large interests in that country. From these it appears that the publication and execution of the act of repeal were simultaneous, the Government commencing at once to levy duties on goods imported under the assurances of a free entry.

It appears also that the principal commercial interests of Limon are American; that two merchants of the place are now abroad making purchases of merchandise, in the full faith that it was to be a free port for ten years; that, knowing nothing of the change, they will, of course, upon their return, come into conflict with the Government.

Other parties were making preparations to enter into the business of raising fruit for the markets of the United States.

While there may be no doubt as to the right of the Costa Rican Congress to revoke the law referred to, it seems but just that some previous notice thereof should have been given or a reasonable time allowed the interested parties to adjust their business affairs to the new conditions. As the matter now stands it has all the appearance of bad faith on the part of the Government.

In view of these facts, I have deemed it my duty to instruct the consul at San José to receive the protests of our citizens who may be injured in their interests by the action of the Costa Rican Government, and especially those who have imported goods under guarantee of the law now repealed. I have also addressed a communication to the minister for foreign affairs, of which I inclose a copy.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 241.—Translation.]

Law No. 6 of May 22, 1883, making Limon a free port.

The Constitutional Congress of the Republic of Costa Rica decrees:

ARTICLE 1. The district of Limon is declared to be free of customs imports. The importation of material of war is alone excepted from the exemption established by this article.

ART. 2. The Executive is authorized to make the demarkation of the zone which is declared free, for which the port of Limon and Rio Sucio must be taken as starting points.

ART. 3. He is authorized also to remove the custom-house to Rio Sucio, to dictate all measures conducive to that end, and to incur the expenses required for the execution of this law.

ART. 4. The exemptions thus established shall commence to take effect on the 10th day of August next, and shall continue during ten years.

Given in the hall of sessions of the national palace, at San José, the 22d day of May, 1883.

JUAN M. CARAZO,
President.
VICENTE C. SEGREDA,
First Secretary.
A. SANTOS,
Second Secretary.

PRESIDENTIAL PALACE, SAN JOSÉ, *May* 22, 1883.

Let it be executed.

P. FERNANDEZ.

The Secretary of State for the Department of Finance, BERNARDO SOTO.

[Inclosure 2 in No. 241.—Translation.]

Law No. 20 of the 19th of June, 1884, repealing law No. 6 of the 22d of May, 1883, by which Limon was made a free port.

The Constitutional Congress of the Republic of Costa Rica, considering that the law of the 22d of May, 1883, has not had the results that were expected of it, but has produced grave prejudice to the customs revenue and to commerce in general; that this revenue being assigned to the payment of the internal debt, whose prompt cancellation is of lively interest to the country, decrees:

SOLE ARTICLE. Said law No. 6 of the 22d of May, 1883, is repealed. (1) The Executive shall provide the necessary regulation for the custom-houses and customs guards. (2) The Executive shall equip two small steam-cruisers for watching the Atlantic coast.

Given in the hall of sessions of the national palace, at San José, the 19th day of June, 1884.

JUAN M. CARAZO,
President.
JESUS SALANO,
Secretary.
MANRO FERNANDEZ,
Secretary.

PRESIDENTIAL PALACE, SAN JOSÉ, *June* 19, 1884.

Let it be executed.

P. FERNANDEZ.

The SECRETARY OF STATE FOR THE DEPARTMENT OF FINANCE AND COMMERCE.

[Inclosure 3 in No. 241, extract.]

Mr. Morrell to Mr. Hall.

CONSULATE OF THE UNITED STATES,
San José, Costa Rica, July 1, 1884.

SIR: * * * I invite your attention to the inclosed copies of law No. 6, dated May 22, 1883, making Limon a free port for *ten years* from the 10th of August, 1883, and of law No. 20, dated June 19, 1884, *repealing it.* The question arises in my mind, "How can such things be?" Mr. Volio, among other arguments in support of the repeal, says, "Such things are done all the world over." His boundary of this world, if not of the whole universe, is probably limited to Spain and all the Spanish-American countries. Would or could the United States Congress repeal a law making a certain port free for ten years, in less than one year? Is not such an act on the part of Congress virtually a contract entered into with the entire outside world for a specified time? As it is, this country will itself be the principal sufferer. Parties with large capital were already making preparations to enter into business at Limon on a large scale; but in consequence of this new law they have retired. But how about the houses already established there? * * * Mr. Willis, Mr. Keith's representative, promised to give me some facts in regard to this matter, which I will inclose to you if received in time.

Yours, &c.,

A. MORRELL.

[Inclosure 4 in No. 241.]

Mr. Keith to Mr. Morrell.

SAN JOSÉ, COSTA RIÇA, *July* 1, 1884.

SIR: Allow me to bring to your notice a great piece of injustice which has been committed by the Government of this Republic, in order that, should you think fit, you may bring the matter before your Government.

According to a decree duly passed by Congress and sanctioned by the executive power, Limon, on the Atlantic coast, was declared a free port, together with a certain zone within given boundaries, for the space of *ten years*, counting from the 10th of August, 1883, as may be seen from the decree to that effect duly published in the official gazette of this Republic, dated the 23d May, 1883. Since the 10th August last year, in conformity with the decree, said port and zone have been free, but on the 19th of this month, without any previous notice or warning, the Congress have thought fit to pass a decree derogating completely this franchise, which decree has been duly sanctioned by the executive power and published in the official gazette of 21st instant.

The Government has already commenced to collect duties on goods that have arrived or are arriving, although they may have been ordered months ago, in accordance with the decree which establishes the freedom or exemption from customs duties for *ten years.*

Within the last year a new industry has very much increased in the free zone, and that is the planting and cultivation of bananas by persons of all nationalities, who have made their calculations upon a free port. At the present time from 25,000 to 30,000 bunches a month are exported to New York, which amount is daily increasing, and several projects were on foot for augmenting this business with foreign capital, which was being subscribed for in Boston and New Orleans on the basis of a free port.

Having a contract for the development of the Atlantic division of the Costa Rica Railroad for five years, any change of this kind being made is extremely prejudicial to my interests, not only increasing very considerably the working expenses of the railroad, owing to my having to pay a higher price for labor, but also tending to diminish instead of augment the receipts of banana freights, upon which I had based my calculations, owing to further planting consequent on the decree declaring the port and zone free.

I may mention that the principal merchants in Limon, together with myself, are American citizens, as you are aware, and I think should be entitled to some protection from such an arbitrary act and want of good faith on the part of the Government of one country and the citizens of all others.

Two of the principal merchants of Limon are at present abroad making purchases of merchandise, in the full faith of a free port for *ten years*, and know nothing of the change just made, and will doubtless come into conflict with this Government, on their arrival here, when duties are exacted. Having very large interests at stake in

this country, I am extremely unwilling to come into conflict with the Government, or even to do anything prejudicial to its interests in any way; but certainly I think that this is a matter that should be inquired into by the different Governments, in the interests of their citizens residents here who may have been misled into entering into business in Limon under the veil of a free port.

Trusting you will give the matter your best attention,

I am, &c.,

MINOR C. KEITH,

[Inclosure 5 in No. 241.]

Mr. Hall to Señor Castro.

LEGATION OF THE UNITED STATES IN CENTRAL AMERICA,
Guatemala, July 25, 1884.

SIR: My attention has been invited to the act of the Costa Rican Congress of the 19th ultimo, repealing the decree of the 22d of May, 1883, by which Limon was made a free port for the period of ten years. I have been informed also that the new act was immediately carried into effect, without any consideration whatever for the foreign interests created under the guarantees of the former law.

While awaiting the definite instructions of my Government, to which I have communicated the facts above mentioned, I am constrained to protest most respectfully, in behalf of American citizens whose interests are affected, against the act of the 19th of June, 1884, and especially against its immediate enforcement, as also against the collection of duties upon merchandise imported under the guarantee and faith of the act of the same Congress which declared Limon to be a free port from the 10th of August, 1883. At the same time I venture to assure your excellency, in advance of definite instructions, that my Government will expect for their citizens full indemnity for all losses and injuries they may sustain in consequence of the action referred to of the Costa Rican Congress.

I have, &c.,

HENRY C. HALL.

No. 27.

Mr. Frelinghuysen to Mr. Hall.

No. 170.] DEPARTMENT OF STATE,
Washington, August 20, 1884.

SIR: I have the honor to acknowledge the receipt of your No. 241, of the 25th ultimo, respecting the decrees of the Government of Costa Rica in reference to the port of Limon.

It appears that on the 22d day of May, 1883, the Congress of Costa Rica passed a law declaring the port of Limon free of customs imports for a period of ten years, to take effect from August 10, 1883.

It further appears that on the 19th day of June, 1884, the same Congress, without giving any previous notice of its intention, repealed the law of May 22, 1883, and re-established the former tariff upon imports.

It also appears that the publication and execution of the act of June 19, 1884, were simultaneous, and regardless of the foreign interests created under the inducements held out to foreign capitalists by the act of May 22, 1883.

You say that the principal commercial interests of Limon are American, and that you have instructed the United States consul at that port to receive the protest of the citizens of the United States who may have incurred losses under guarantees of the act of May 22, 1883, by the investment of capital, especially in foreign goods now ready for shipment from foreign ports or on their way to Limon.

The Department fully approves of the discretion with which you have looked after the interests of your countrymen in this matter.

The subject is deemed a proper one to submit, as you have already done, to the sense of equity and fair dealing of the Government of Costa Rica.

Should the Government of Costa Rica, however, reply denying responsibility, as of right, for the losses thus sustained, you will, without delay, transmit all claims presented to you on behalf of citizens of the United States and arising under the circumstances before mentioned, that is to say, all claims for loss arising from transactions which were anterior to the notice of the repeal of the law of May 22, 1883, accompanied by the proofs in support thereof, for the consideration and action of this Department, and at the same time urge upon the Government of Costa Rica the right of this Government to be fully indemnified for all losses sustained by citizens of the United States by reason of the repeal, without reasonable notice, of the law which declared Limon a free port of entry for a period of ten years.

I am, &c.,

FREDK. T. FRELINGHUYSEN.

No. 28.

Mr. Whitehouse to Mr. Davis.

No. 2.] LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, September 13, 1884. (Received October 10.)

SIR: Referring you to Mr. Hall's No. 241, of July 25, I have the honor to report that in a note dated at San José, August 29, 1884, and received at this legation on September 7, the minister for foreign affairs of Costa Rica acknowledges the receipt of Mr. Hall's note for July 25, and declines to consider his (Mr. Hall's) protest against the immediate application of the decree revoking the law of May 22, 1883, which made Port Limon a free port for the term of ten years.

The minister alleges that the period of ten years specified had for its object to fix the maximum duration of the franchise, and does not in any way bind Congress to maintain Port Limon free for a whole decade.

I would add that this day I have been informed, by a telegram from a trustworthy source, that a decree, dated the 5th instant, has been issued, by virtue of which the "principal articles" (*articulos principales*) can be imported free of duty for the use of the district of Limon.

By this it would appear that the Congress has modified its decision since the date of the communication from the minister for foreign affairs o August 29, above mentioned.

I am informed by the British minister that a like note has reached him.

Awaiting your instructions for further action in this matter,

I am, &c.,

H. REMSEN WHITEHOUSE.

No. 29.

Mr. Hall to Mr. Frelinghuysen.

No. 263.] LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, October 1, 1884. (Received October 27.)

SIR: With reference to my dispatch No. 241, of the 25th July, relating to the two decrees of the Costa Rican Government of the 22d May, 1883, and 19th of June, 1884, the former making Limon a free port for ten years and the latter revoking the law, I have now to acknowledge the receipt of your instruction No. 170, of the 20th August, relating to the same subject and approving my action in protesting against the apparently inconsiderate action of the Costa Rican Government. * * *

In his letter of the 1st of August, Mr. Morrell reports having transmitted to the minister of foreign affairs the protest of Mr. A. K. Brown against the detention by the custom-house at Limon of goods imported under the decree of 22d May, 1883. The consul reports also that his communication was not answered, but the goods of the party were released immediately and no duties charged.

Under date of the 29th August, Minister Castro replies to my note of the 25th July (of which a copy accompanies my No. 241), wherein I asked that a reasonable time be granted the interested parties before enforcing the last-mentioned decree. He alleges the reasons why my suggestions cannot be acceded to, and claims the right of his Government to revoke it at any time; that the period of ten years had for its object to fix its maximum duration, and in no way obligated the Government to maintain a free port at Limon during a whole decade. I have replied to the minister, under date of the 22d ultimo, insisting that the parties whose interests have been injured by this action of the Costa Rican Government have the same right to consider the period stipulated in the decree of 22d May, 1883, as fixing its minimum duration, and, in consonance with your instructions above referred to, I have informed the minister that the right is claimed for our citizens to be fully indemnified for all losses sustained in consequence of the revocation, without notice, of the last-mentioned decree.

I have, &c.,

HENRY C. HALL.

[Inclosure 1 in No. 263.—Translation.]

Señor Castro to Mr. Hall.

DEPARTMENT OF FOREIGN RELATIONS OF THE
REPUBLIC OF COSTA RICA,
San José, August 29, 1884.

MR. MINISTER: I have had the honor to receive your esteemed communication dated Guatemala, 25th July ultimo.

By it I have taken note that your excellency considers just and expedient to decree a reasonable term for the enforcement of the decree of 19th June ultimo, revoking that of the 22d May, 1883, which established the freedom of the port of Limon, with the view of avoiding the claims which otherwise will be presented against my Government.

I thank you for the interest you show in all that you consider favorable to the commerce of Costa Rica and your desire to avoid reclamations against her; but permit me to state that it is not possible to accede to your wishes, not only because the opportunity of conceding the reasonable term referred to is past, but also for the reasons which I shall set forth.

The supreme executive power would have adopted the measure you suggest, not as a right nor as being customary in cases similar to the one in question, but out of consideration for the interests created under the franchise and that were going to suffer notably, if the proximity and rapidity of communications between Limon and the principal foreign ports from whence merchandise is imported should not have caused fears that the merchants would take advantage of the term conceded them, with the sole view of avoiding greater losses, to make large importations to the prejudice of the public treasury.

In addition, my Government does not believe that the enforcement of the decree of June 19 referred to can give rise to just claims on the part of foreigners or of nations, because it injures the rights of no one. The time of ten years to which you refer had for its object to fix the maximum duration of the same, and in no way obligated the legislative power to maintain a free port at Limon for a whole decade, even when the inexpediency of the decree of 22d May, 1883, was apparent from the first month. Such interpretation is in accord with the will of the legislature, and, on the other hand, is authentic.

I entertain the hope that the foregoing considerations will convince you that there is no cause for the claims to which your communication refers.

I improve, &c.,

JOSÉ MA. CASTRO.

[Inclosure 2 in No. 263.]

Mr. Hall to Señor Castro.

LEGATION OF THE UNITED STATES,
Guatemala, September 22, 1884.

Mr. MINISTER: I have the honor to acknowledge the receipt of your excellency's courteous communication of the 29th ultimo, expressing dissent as to the suggestions contained in my note of 25th July, relative to the revocation of the decree of the 22d May, 1883, by which Limon was made a free port for the term of ten years.

Your excellency is correct in estimating the motives for my referred to communication. It was and is my desire to avoid the reclamations which might arise in consequence of (if I may be permitted to use the expression) the abrupt revocation of a law under which foreign interests were created, and, as your excellency admits, would be injured by such revocation.

Your excellency is pleased to state also that the opportunity has passed for conceding the reasonable postponement asked for, but that the supreme executive power would have adopted the measure suggested by me—not as a right nor as a custom in such cases, but out of consideration for the interests created under the franchise which would notably suffer—but for the possibility that the merchants might take advantage of the opportunity to make heavy importations, to the prejudice of the public treasury, to whose interests it would seem the "created interests" referred to are made subservient.

If it is intended to convey the idea that my request for a postponement was not in time, I beg to say that it was made immediately upon being advised of the revocation of the decree of the 22d May, 1883.

In regard to the right of remonstrance, your excellency admits that the interests created under the franchise would suffer notably by its revocation. As to the custom in such cases, I should be glad to be informed upon what precedent your excellency's Government supports its action in this case. Nor can I concur with your excellency that the stipulation of the term of ten years had for its sole object to fix the maximum duration of the decree of the 22d May, 1883. The foreign parties whose interests have been injured by its revocation had the same right to consider the stipulated term of ten years to be the "minimum" duration of the decree as the Government of your excellency has to consider it the "maximum."

The Department of State of my Government, to which I have referred the subject in question, authorizes me to say that it is deemed a proper one to submit to the sense of equity and fair dealing of the Government of Costa Rica, and I am further instructed, should your excellency's Government deny responsibility, as of right, for the losses thus sustained, to transmit without delay to the Department, for its consideration, all claims presented to me on behalf of citizens of the United States arising under the circumstances referred to, and at the same time respectfully to make known to the Government of your excellency that the right is claimed to be fully indemnified for all losses sustained by citizens of the United States by reason of the repeal, without reasonable notice, of the law which decreed Limon a free port for the period of ten years.

I improve, &c.,

HENRY C. HALL.

No. 30.

Mr. Hunter to Mr. Hall.

No. 184.] DEPARTMENT OF STATE,
Washington, October 13, 1884.

SIR: I have received a dispatch of the 13th ultimo, No. 2, from Mr. Whitehouse, stating that the Government of Costa Rica had declined to accept your protest on behalf of American citizens at Port Limon who should actually suffer in consequence of the arbitrary repeal of the law of May 22, 1883, making that place a free port for ten years from August 10, 1883. He also reports that, according to information which he has received from a trustworthy source, a decree of the 5th ultimo has been issued granting the right to import, free of duty, for the use of the district of Limon, *articulos principales* (principal articles).

You will, if possible, confirm Mr. Whitehouse's report and furnish the Department with whatever information bearing upon the alleged modification you can obtain.

At any rate, the situation remains practically unchanged from what it was when Mr. Frelinghuysen's instruction No. 170, of August 20 last, was sent, in response to your No. 241. You will, as speedily as possible, transmit to the Department the information desired by its No. 170, in order that a full and definite understanding of the subject may be arrived at, and whatever action may be necessary for the protection of American interests which have actually suffered on account of the action of the Government of Costa Rica may be speedily taken.

I am, &c.,

W. HUNTER,
Acting Secretary.

No. 31.

Mr. Hall to Mr. Hunter.

No. 287.] LEGATION OF THE UNITED STATES
IN CENTRAL AMERICA,
Guatemala, November 25, 1884. (Received December 15.)

SIR: I have the honor to acknowledge the receipt of your instruction No. 184, of the 13th ultimo, and to refer you in reply to my dispatch No. 263, of the 1st of the same month.

As no complaints of losses sustained by our citizens in consequence of the repeal of the law of May 22, 1883, making Limon a free port for ten years, have yet reached this legation, there appears to be no necessity at present for further correspondence on the subject with the Costa Rican Government. It seems that the Government has permitted the free importation of all goods that were ordered under the guarantees of the former law, and has thus, for the time at least, avoided motives for complaint.

The decree of the 5th September last, referred to in your instruction, granting the right to import certain articles for the use of the Limon district, does not, I understand, become a law until ratified by Congress.

I have, &c.,

HENRY C. HALL.

CHINA.

No. 32.

Mr. Young to Mr. Frelinghuysen.

No. 277.] LEGATION OF THE UNITED STATES,
Peking, November 8, 1883. (Received January 9, 1884.)

SIR: In several recent dispatches I have had occasion to refer to a riotous demonstration against foreigners which took place at Canton upon the 10th of September last, and I have now the honor to submit various papers in reference thereto, which will place you in possession of all the information now in the hands of the legation upon the subject. These papers consist of copies of six dispatches received from Mr. Consul Seymour, and extracts from newspaper reports of the affair.

From these reports you will gather that the immediate cause of the riot was the accidental or intentional drowning of a Chinese by a Portuguese watchman employed on the British steamship Hankow, but that the feelings of the populace had previously been roused to an intense degree by the wanton murder of an inoffensive Chinese by a British subject named Logan while the latter was in a state of intoxication, by the release of two of Logan's companions, and by the fear that Logan himself would either be released or escape with a trifling punishment. I shall have occasion to address you more at length upon this unfortunate occurrence within a few days. In the mean time I may add that Logan has been tried before a British court, convicted of manslaughter, and sentenced to seven years' imprisonment. The viceroy at Canton and the foreign office here have protested against this punishment as inadequate, but, so far as I can learn, without effect. The air is full of rumors of further and more serious disturbances at Canton, which, however, cannot be traced to any reliable source. There is much uneasy feeling among the Chinese at other ports, and the situation as a whole is far from reassuring.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in No. 277.]

Mr. Seymour to Mr. Young.

No. 31.] CONSULATE OF THE UNITED STATES,
Canton, September 10, 1883—10 p. m.

SIR: I have the honor to inform you that the Europeans and Americans residing in Canton and on the Shameen have had an interesting day during which some lives were lost and considerable property has been destroyed, amounting in value to about $200,000, with incidental damages to business of steamers and ships to enough more to make a total loss of about a quarter of a million of dollars.

The immediate cause of the outbreak of the mob was the death of a Chinaman this morning on board the British steamer Hankow, caused by the kicks of a Portuguese employé (watchman), who killed the Chinaman, or caused him to roll insensible into the water, where (it is commonly alleged) he was drowned, although it is probable the man died of the kicks.

Immediately thereafter the Chinese mob fired the wharf and sheds where the steamer

Hankow was moored, and would have set the steamer on fire if she had not promptly cast off lines and steamed up the river in front of the Shameen or European settlement.

The mob, gathering strength with the excitement of the occasion, forced their way quickly upon the European reservation (Shameen), and, commencing with the new ice factory of Mr. Raven, which was soon destroyed, looted or pillaged nearly all of the dwellings and business places, to the number of a dozen valuable buildings, east of the British consulate and east of Messrs. Russell & Co.'s establishments, which were entered by the leaders of the mob, five of whom were captured while attempting to fire the main building, from which they were ejected in time to save it from destruction.

Four of the five captured persons escaped. From 8 o'clock a. m. until after 1 o'clock p. m. the mob encountered no resistance worth mentioning; but after five hours of pillage and incendiarism the mob were interrupted by the viceroy's soldiers, who are now in possession of the Shameen and its approaches.

The steamor Hankow, instead of proceeding from Canton to Hong-Kong, has remained in port, as all concerned regarded it extremely hazardous for the steamer to carry away the body of the recovered Chinaman or the person of the Portuguese who caused his death, no one feeling authorized to act for the Portuguese.

This afternoon the body of the murdered Chinaman was removed from the steamer, which is still here, awaiting action in regard to the Portuguese.

In the mean time the ladies and children of nearly all of the foreigners who could reach steamers in port took refuge, and still remain thereon, while the citizens of western nations, to the number of about sixty persons, are patrolling the Shameen, agreeably with an organization effected at a public meeting in the Canton Club House at 5 o'clock this evening.

The consular corps, representing the United States, Great Britain, Germany, France, Denmark, and Sweden and Norway, met in the United States consulate at 3 p. m. and acted unitedly in reference to the emergency. A copy of the dispatch adopted by all the consular officers is appended.

At present matters have apparently quieted down; but with over three millions of Chinese within a radius of six miles, and over six millions within a radius of twelve or fifteen miles, the materials are abundant for a continuance or renewal of the deplorable scenes that have been enacted this day in Canton.

I just came off my evening patrol, and return to it at 4 p. m.

I can only assure you that, whatever may be the result of the present disturbed condition of the Chinese in regard to foreigners, it will be my endeavor to maintain fidelity to American interests and honor, while performing my duties toward all concerned.

Telegraphic communication is broken and mail facilities are somewhat disturbed, but I will try to get this dispatch to you through the hands of the United States consul at Hong-Kong.

I am, &c.,

CHARLES SEYMOUR,
Consul.

P. S.—The only American citizen who has suffered loss by the Chinese mob's pillage and incendiarism is E. T. Holwill, esq., deputy commissioner of imperial maritime customs, and to the extent of about $10,000.

C. S.

[Inclosure 2 in No. 277.]

Mr. Seymour to Viceroy Chang.

CONSULATE OF THE UNITED STATES,
Canton, September, 10, 1883—6 p. m.

SIR: In drawing your excellency's attention to the lamentable occurrences which have this day resulted in such a destruction of the property of the citizens of various western nations on Shameen, I feel it to be my duty to represent that this destruction is due to the total want of sufficient protection to the foreign settlement, and to the tardy action of the Chinese authorities in sending a military force for our defense.

I must most urgently impress upon your excellency the necessity of adopting stringent measures to repress incendiaries and robbers.

I have, &c.,

CHARLES SEYMOUR.

No. 33.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 297.] LEGATION OF THE UNITED STATES,
Peking, November 30, 1883. (Received January 16, 1884.)

SIR: In various dispatches to the Department I have endeavored to keep you informed as to the growth of our petroleum trade, and of the policy adopted by the legation to insure its protection and encouragement.

The subject came to my attention in certain correspondence with the consul-general at Shanghai. That gentleman reported acts of interference with the sale in Shanghai and elsewhere, especially Ningpo. I was led to apprehend that there would be a general assault upon petroleum through local Chinese agencies, with which we could not interfere.

I addressed the foreign office, and from the tone of the answer of Prince Kung I came to the conclusion that there was no opposition to petroleum on the part of the Government; that, on the contrary, the Government was disposed to encourage the trade; and that all we had to fear was the ignorance of minor officials, arising out of the conservatism of the Chinese character.

This opinion I expressed to the Department. But to fortify the legation in its judgment, I addressed to all the consuls within our jurisdiction a letter of inquiry as to the exact condition of the trade, whether it was increasing or decreasing, and what had been the effect of any hostile proclamations against its use on the part of the Chinese authorities.

The hope which I expressed in these dispatches has thus far been justified by events, namely, that "the objections arising from ignorance and fear" would exhaust themselves; that, in spite of official opposition, the trade has steadily grown, especially in the interior; and that it was the part of wisdom not to excite the animosity and suspicion of the authorities by undue remonstrance.

The legation, in a steady pursuit of this policy, has the gratification to say that we have had no report from any consular officer, with one exception, indicating a desire on the part of the minor authorities to interfere with the sale of petroleum. My hope is that the close of the year will show an advance over the imports of last year.

The conclusion we draw from this is that petroleum is working its way into the confidence of the people, and that no action on the part of the legation is necessary, except to watch the course of trade and not trouble the Government.

I said that with one exception the consuls had made no report indicating a disposition to interfere with the trade. This exception has been found in Canton. It seems from the reports of Mr. Consul Seymour that the governor of Canton has granted to a local company the monopoly to sell petroleum.

I have had occasion, in my correspondence with Mr. Seymour, to deplore the existence of this monopoly, as an experiment which could be of no ultimate advantage to China and might in the end injure our trade. I have counseled him to do what lay in his power to terminate it, but could do no more than give counsel, as we had no ground for for-

mal remonstrance. After the petroleum passed into the hands of the Chinese the merchants could sell it at the price they pleased.

It seems, however, that the governor, in order to increase the revenue, imposed a tax upon its sale, or rather its importation into Canton, of 40 cents a case. Under the treaty such a tax is inadmissible, for it virtually increases the impost 300 per cent. The treaty admits petroleum at a duty of 5 per cent. ad valorem. This additional tax quadruples that sum.

I still cherished the hope that Mr. Seymour, by personal representations to the Canton viceroy, could show reasons for removing the tax.

As Great Britain, through her Hong-Kong interests, was concerned, I conferred with Sir Harry Parkes, Her Britannic Majesty's minister. In my first interview with his excellency I found, to my gratification, that he was disposed to act with our legation, but he was just taking charge and had not time to look into the matter. In my second interview he informed me that he was about to go to Corea, and would be gone for some weeks. I therefore resolved to address the yamên alone.

In my note to his imperial highness I present the question in two phases. First comes our undoubted right under the treaty to resent any action on the part of the Government which violates the treaty, and to demand from the viceroy the restoration of the sum unjustly levied, with interest upon the same at the rate current in Chinese money markets.

The language of the treaty upon which I relied read as follows:

> At each of the said five ports, citizens of the United States lawfully engaged in commerce shall be permitted to import, from their own or any other ports, into China, and sell there, and purchase therein, and export to their own or any other ports, all manner of merchandise of which the importation or exportation is not prohibited by this treaty, paying the duties which are prescribed by the tariff hereinbefore established, and no other charges whatsoever.

Having made this demand in the most positive manner, it seemed wise to call the attention of his imperial highness to other features of the question as they concerned the Chinese themselves: that the trade was an advantage to China; that it interfered with no interest, was a blessing to the poor, as had been found in other countries; and that any effort to stifle the trade by these vicious local monopolies would be a serious loss to the imperial revenues.

* * * * * * *

The Chinese authorities are considering with care the propriety of certain general rules governing the sale of petroleum, and especially the grade or fire test which should be exacted from imported burning oils. In this question, one of much importance, I have taken a deep interest. To impose a higher test than is accepted in Japan or in European countries would injure the trade.

* * * * * * *

It would be an advantage to the petroleum trade if we could induce the Chinese Government to adopt careful and at the same time not restrictive rules as to its importation and sale, such as are seen in India and Java, and I hope in Japan.

We have no right to interfere with the rights of the Chinese to interpose proper sanitary and police regulations upon the sale or use of any article that may do their people harm.

If they feel that petroleum does harm, leads to conflagrations, as has happened in densely settled communities (the houses built of slender, flimsy, combustible material—not houses in reality, but the camping

grounds of one generation, and only intended to serve its time), we must expect opposition.

Advice and experience may control that. Better than advice and experience would be for those who direct the petroleum interests at home to take special pains in educating the people to handle it. * * * The burning oil should not be of too low a grade. The fire test should be as safe as that imposed upon oils in America.

Pains should be taken to see that the people were supplied with lamps perfectly safe and at the same time cheap. This does not mean that the exporters of oil should make and sell lamps, but they should see that a lamp suited to the Chinese market was either made at home or the people here taught to make it themselves.

And in this, those interested in petroleum must consider that China has large classes of very poor people. So carefully have these thrifty, patient, and ingenious people handled the conditions of life, that what you regard as poverty at home would be "living in comfortable circumstances" here. To supply the wants of that class should be the aim of the petroleum interest, and if that problem could be solved there would be a vast trade.

In the month of December last I addressed a circular to all the consulates.

* * * * * * *

The interesting information which this dispatch elicited was of so much value that, as I am hopeful of confirming the impression that there has been no strenuous opposition to petroleum on the part of the local officials, and that none would be shown during the year now coming to a close, I have ventured to send to the consuls another dispatch asking for information.

Trusting that my action in the various phases of this most important question may meet with the approval of the Department,

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure in No. 297.]

Mr. Young to Prince Kung.

LEGATION OF THE UNITED STATES,
Peking, November 30, 1883.

YOUR IMPERIAL HIGHNESS: Several reports have been made to this legation by Mr. Consul-General Denny, at Shanghai, Mr. Consul Seymour, at Canton, and certain American merchants doing business at these ports, in reference to the action of his excellency Viceroy Tseng, predecessor of his excellency Viceroy Chang, the present incumbent at Canton.

From these reports the following facts appear:

The United States merchants have been sending to China shipments of petroleum, which, as your imperial highness knows, is not only one of the largest and most valuable of our mineral resources, but a valuable part of our commerce with China.

As a fact, I may say that we supply petroleum to all the world. A recent discovery, in general use for less than a quarter of a century, it has been found one of the most beneficent agencies in nature, as a burning oil, a medicine, a fuel, and in other forms.

The apparently inexhaustible quantity found in the petroleum regions has made the production so cheap as to bring the cost within the reach of the poorest classes.

This is shown in the consumption of the oil in other Asiatic countries, especially in Java, India, and Japan, where its introduction has done great good to the poor.

Under the treaties the duty upon petroleum is 5 per cent. ad valorem, and American merchants are entitled to import it, paying this rate and no more.

This tariff has prevailed and now prevails at all the ports of China open to foreign trade, with the exception of Canton.

The former viceroy, some months ago, directed the imposition of a local tax upon all petroleum received in Canton of 40 cents a case. This tax is in addition and four times as large as that authorized by the treaty.

It was imposed, also, without giving the merchants any notice, so as to guard them in ordering shipments from home. It has thus entailed severe loss, amounting in the case of one firm to several thousand taels.

It furthermore seems that this tax has grown out of the fact that the recent viceroy granted to certain merchants in Canton the monopoly of selling kerosene for a yearly payment of $31,000. From this monopoly they gain a revenue of $200,000, at the expense of the imperial treasury, in diminishing the revenue that would accrue from petroleum in the ordinary course of a great and increasing trade, and which can only waste and die under this new burden, and also the comfort of your poorer people, who, because of this burden and the withdrawal of trade sure to follow it, will be unable to use petroleum.

The only expression of opinion I have been enabled to gather as to the reasons for this act is found in a copy of a letter addressed by his excellency Tseng to the British consul at Canton.

"The viceroy would observe," says his excellency, "that once foreign goods have entered China and become the property of Chinese merchants, the method and amount of their taxation are matters wholly and solely within the discretion of China."

Your imperial highness will see at a glance that the question is far different from that presented by the viceroy. In Article V of the treaty signed in 1844 by my predecessor, Mr. Cushing, and his excelleney the late Tsi Yeng, acting in the name of the throne, it is especially provided:

"At each of the said five ports, citizens of the United States lawfully engaged in commerce shall be permitted to import, from their own or any other ports, into China, and sell there, and purchase therein and export to their own or any other ports, all manner of merchandise of which the importation or exportation is not prohibited by this treaty, paying the duties which are prescribed by the tariff hereinbefore established, and no other charges whatsoever."

Under the provisions of this treaty American merchants may sell or purchase any manner of merchandise not forbidden by treaty, paying the duties prescribed, "and no other charges whatsoever."

In Canton, therefore, we have an undeniable and flagrant violation of this treaty. A tax has been imposed virtually adding 300 per cent. to what the law requires.

I. It is, therefore, my duty to demand from your imperial highness the abrogation of this decree of the viceroy, as an invasion of treaty engagements.

II. A return to the merchants who have suffered from this illegal act of the sums so exacted, with proper interest upon the same, to the end that no loss may fall upon them because of the action of the viceroy and the Chinese who hold the Government monopoly.

These are the only questions in which my Government has a direct interest. But one or two observations may not be without value as to the nature of the monopoly created in Canton. I have referred to the beneficent nature of petroleum; that it is one of the blessings of modern society, and that China has much to gain by its universal dissemination. China is far behind other Asiatic nations in the enjoyment of this valued product. The figures show that Java, with a population of 19,000,000, imports annually 1,900,000 cases; Japan, with 26,000,000, 1,800,000; and India, with 240,000,000, 1,500,000.

The low proportion of the Indian demand may be partly accounted for by the extreme poverty of large numbers of the Hindoos, who have difficulty in obtaining the means of existence. China, a rich country, with unbounded resources and a wider distribution among the people of the means of life, and a population believed to be far larger than that of the other three countries combined, takes only 900,000 cases of petroleum, 1,000,000 less than Java, 900,000 less than Japan, 60,000 less than India.

If monopolies like those in Canton are created, your imperial highness cannot fail to see that you are imposing a new tax upon your people. If petroleum were an article which your own mineral resources could supply; if there was anything in China which would do as much good at so low a price if it could be manufactured; if there were any Chinese interest to be served by it, this legation could look with forbearance upon any attempt to nourish and protect your interests.

It is a product of nature. It competes with no Chinese interests or industry. It is entirely for the advantage of your people, as it has proved to be to all classes of people throughout the world. There is every reason, therefore, why monopolies like the one in Canton should be suppressed. The first is the injury to your own people in keeping from them an agency that would add so much to their comfort and happiness. The second is the injury it must do to your treasury. We have a large trade, the revenue from which is an important factor in His Majesty's exchequer. Were petro-

leum to be consumed throughout China in the same proportion as in Java and Japan, the trade would grow to a vast extent, to your enhanced gain. These monopolies encouraged, this profit to China would disappear altogether.

I volunteer these considerations to your imperial highness, not that they have any special bearing upon the immediate question which inspires this dispatch, but I am persuaded they will strengthen your imperial highness in your natural inclination to take an enlightened view of a most important subject. My duty is to point out to the cabinet the very grave wrong that has been done to our interests in Canton by the undeniable violation of treaty, and to repeat my demand that the additional tax be withdrawn from petroleum in American ships, and that what has been unlawfully exacted shall be repaid without delay, and with interest, at the rate now current in the money markets of China, from the time it was imposed.

In making this communication, I tender, &c.,

JOHN RUSSELL YOUNG.

No. 34.

Mr. Russell to Mr. Frelinghuysen.

[Extract.]

No. 319.] LEGATION OF THE UNITED STATES,
Peking, January 6, 1883. (Received March 31.)

SIR: In my dispatch No. 277, November, 1883, I had the honor to inclose for your information the details in the possession of the legation regarding the riot in Canton.

It is now my duty to report upon subsequent events, and especially upon the efforts of the representatives of foreign powers in Peking to bring about a settlement.

As soon as I learned of the Canton riots I had a conversation with the grand secretary, Li, who said there would be no difficulty in the payment of the American claims for the losses sustained by our citizens, and that orders for their payment would be given. This assurance was confirmed by the ministers of the yamên.

There were diverging theories in the minds of the various legations as to the cause of the riot, and whether or not the cause could be found in the failure of the Canton viceroy to do his duty in preventing and suppressing it.

* * * * * * *

The first suggestion as to a means of settlement came from his imperial highness Prince Kung, in an informal note to this legation dated October 13, 1883. In this his imperial highness said that Mr. Consul Seymour was willing to render his good offices towards mediation; that his imperial highness was pleased with this offer, and asked me to instruct Mr. Seymour to do what he could to secure a just and equitable arrangement.

While it was a gratification to the legation to know that Mr. Seymour was held in esteem by the Chinese, there were practical difficulties, arising out of diplomatic relations here, which prevented my encouraging his plan.

At the same time it seemed to the legation that this abstract proposal of mediation on the part of the Chinese contained within it the germ of a most important principle, and that if we could establish it as a precedent it would go far towards making easy the settlement of difficulties of the same character.

This view was shared by my colleagues of England, France, and Germany. As their representative and in their name I entered into nego-

tiations with the yamên. After some conversations and explanations with the ministers, and a verbal understanding that we were in accord, his imperial highness addressed to the powers concerned an informal note, dated November 11, 1883, which I inclose.

In this note you will see that the yamên, instead of asking Mr. Seymour to act, proposed a board of arbitrators, to be composed of three persons who should be acceptable to all parties.

This proposal was accepted by my colleagues and myself in a joint note dated November 21, 1883. There was one amendment, namely, that the members of the board should be ot equal rank, without one having the special supervising power of a referee, and that the decision of a majority should be accepted as final.

There was a verbal understanding that all losses should be paid within sixty days after the award. We also agreed, at my nomination, that the Hon. Mr. Grosvenor, Her Britannic Majesty's chargé d'affaires, should represent the foreign powers.

This note was not written until after many conferences with the yamên, and a clear understanding that the jurisdiction of the proposed board should be confined to the assessment of the money claims for damages, and that other questions, political or otherwise, should be debarred. It was therefore with surprise, and not without some pain, that I received from his imperial highness a note, dated November 23, in which a new principle was inserted. The riots, according to the prince, having originated in murder, "an investigation into the causes of the riot should be the objective point." Then should come the punishment of the guilty parties "according to their deserts, and there would be no difficulty in bringing out the truth in regard to damages to property."

This note was a surprise. It struck at the very root of the arbitration, and was a departure from all our agreements with the yamên.

The question advanced by the prince concerned England alone. It was a question also involving principles and rights which neither England nor any other self-respecting power could submit to a court of arbitration. Whatever might be thought of the manslaughter by Logan, and what was regarded as the lightness of his sentence and the imperfections of his trial, he had been tried by an English judge, before an English jury, according to English law, and there was no power, not even the power of the Queen, which could put him in peril of his life a second time. This I had said again and again to the ministers in conversation, adding that the same law prevailed in the United States and in other civilized nations, and that it was vain to intrude it upon an arbitration which meant to decide one point, namely, what foreigners lost at the hands of a Chinese mob. But there was a war party in the cabinet; the feeling at Canton was uneasy; the viceroy at Canton was telegraphing his fears; and while the ministers of the yamên might be willing to continue the negotiations on the basis agreed upon and detailed in our joint note, the privy council, to whom the ministers appeal, insisted upon the modification.

It only remained for the representatives of the four powers to meet in conference and, after reading the prince's note, reject the terms proposed. This was a unanimous decision, expressed in a joint note to the yamên dated November 25.

I was loath to abandon the advantages embodied in the principle of the arbitration, and this feeling was shared by my colleagues. I did not set much value upon any other point so far as American interests were concerned. I was indifferent as to whether we had a representative on the proposed board, and never encouraged the idea. As the subjects

of Great Britain in Canton had sustained the greatest losses, it seemed only fair that an Englishman should represent the foreigners, especially one with the rectitude and impartiality of Mr. Grosvenor. As the Germans had the second largest claim in losses, I would vote for any gentleman named by Germany. While I would accept an American as a judge, and take such a nomination either by the Chinese or the foreign powers, I had no name to present. My only anxiety was for the principle. The assurance of the Chinese authorities left me no reason for anxiety as to all American claims being paid; and as to the value of these claims, the verdict of any court where a German and an Englishman were in the majority would satisfy me. As a principle of diplomatic intercourse, the acceptance by the Chinese of an arbitration in manner and form as proposed I deemed an important advantage.

In my conference with the yamên the ministers presented their case at length and with some feeling. They held that, as a British subject, Logan had led to the riot by an assault upon an innocent Chinaman, taking his life; that the British Government was responsible for the consequences of the riot, and should even pay the damages claimed by foreigners. They contended that Logan's trial was so unsatisfactory that nothing would satisfy Chinese public sentiment in Canton but a new trial and capital punishment of the offender. They claimed also that the British Government should pay an indemnity for the Chinese slain and wounded by Logan, even as China had paid an indemnity to Great Britain when Margary was slain, and also to France after the riots in Tien-Tsin and Shanghai. The ministers furthermore said that while Mr. Grosvenor was known and personally held in high esteem by the yamên, and his proposed nomination as one of the board would be agreeable, the viceroy, the authorities, and the people of Canton were so much opposed to any Englishman having a place in that tribunal that they must insist upon the withdrawal of his name.

I replied that all questions as to "British justice," "indemnities," "responsibilities," and so on, were matters which concerned alone the British crown. As to the nomination of Mr. Grosvenor as our representative, we could not withdraw it. The powers had a right to name whom they pleased. They could not allow that right to be criticised. This would be to destroy the integrity of arbitration. Mr. Grosvenor had been named unanimously, without his knowledge or request, and to withdraw his name would be a discourtesy to which none of his colleagues would be a party. I was then asked why our legation would not take Mr. Holcombe or Mr. Seymour in Mr. Grosvenor's place as the foreign representative. I answered that the proposal of the name of any American official was a compliment, but I would not consent to it. We had named Mr. Grosvenor, and his name must stand.

The ministers said they would confer with the prince and the privy council and see what could be done. They were evidently as anxious as myself to come to some arrangement, and our conference ended with the expression of a common regret that there seemed to be no ground upon which we could agree.

The next day I had a note from the yamên that they would come and see me, and at 2 o'clock we had a long conference at the legation.

The ministers were Ch'en, Chow, and Woo. We began with the quaint oriental metaphor that they were "ill with the evil of contention and war and bad feeling, and had come for medicine." The privy council had been much in debate and wanted a compromise. They went over the whole ground of the controversy, and said they had weighed with care the arguments of our legation. They now had a

new proposal. They would no longer object to Mr. Grosvenor. All questions at issue with Great Britain they would reserve, with one exception, namely, the amount of indemnity to be paid to the family of the Chinaman slain by Logan. That the prince must insist upon submitting to the proposed board. The prince said China paid indemnities for murdered foreigners, and now foreigners should pay indemnities for murdered Chinamen. If we would accept a note couched in these terms, they were prepared to name Kung Yi T'u, a high official, as their agent; and as Mr. Grosvenor was a secretary of legation, and should have a colleague of his own rank, they would be willing, if the powers consented, to withdraw Mr. Seymour's name and accept that of Mr. Holcombe. This agreed upon, or any other third man we preferred in Mr. Holcombe's place, they would at once enter upon the question and pay all awards within sixty days. They again and again expressed their anxiety to have the matter at an end. They gave me plainly to understand that in this they were acting under the orders of the privy council.

While the withdrawal of every point with the exception of an indemnity to the family of the slain Chinaman seemed to be an important step in the negotiation, I still pressed the ministers to return to their original ground, and, as we had agreed, consider no question but the losses. Although I could not speak for Her Britannic Majesty's Government, I felt sure that there would be a way to reach the "indemnity" question without bringing it before the board. A small, a very small sum would have been all that the family of the class of the murdered Chinamen could expect. A present, say, of £500 would have been to the family a princely fortune. I did not express any thought of this kind to the ministers. But I was persuaded that in the event of a successful arbitration, the Chinese paying the losses within sixty days after the announcement of the award, the British legation would readily have seen its way, as an act of benevolence, laying aside any question of policy, to recompense the family of the slain Chinaman. It was the certainty in my own mind, looking over the whole affair from what might be called a common-sense business point of view, that the British minister would reach such a conclusion when he came to consider the whole question, that led me to press upon the ministers the propriety of abandoning the indemnity point, and all points that had not been agreed upon before we wrote our joint note.

In this case you will see that the yamên ministers were fortified by the opinion of one Mr. Francis, who is, I am told, an English barrister, holding the retainer of the Chinese authorities and supposed to know English law. Upon the point, therefore, that there should be no arbitration which did not recognize the indemnity claim, the Chinese were inflexible.

Sir Harry Parkes returned from Corea on the 9th; I saw him the day following. His excellency would never consent to the demand of the yamên ministers that any question of indemnity should go before the board. He was willing to accept the board, as had been arranged in our joint note. I was gratified to hear from Her Majesty's minister the volunteer expression of his hope and belief that Her Britannic Majesty's Government would be glad, as an act of benevolence, to make some reparation to the families of the slain, in this confirming the impression which had governed my counsels to the yamên. There was no way in which I could convey this intimation to the yamên without an intrusion upon an affair which alone concerned my colleague.

In my opinion, the decision of the British minister as to in admissi-

bility of the indemnity question, which I anticipated, and the immovable position of the yamên in insisting upon it, closed the negotiations.

The subsequent action taken independently by the legation to secure the payment of our claims will appear in the inclosures to this dispatch as an appendix to the report.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in No. 319.]

Prince Kung to Mr. Young.

Informal.] OCTOBER 13, 1883.

SIR: Upon the 12th instant I received a telegram from Viceroy Chang, at Canton, saying that Mr. Consul Seymour was willing to render his good offices in the adjustment of matters connected with the Canton riot.

I am exceedingly pleased with this offer, illustrating as it does the earnest and faithful regard in which your consul holds the existing good relations between our two Governments, and I believe you will give a ready assent to this offer.

May I beg you to instruct Mr. Seymour by telegraph to exercise his good offices between the parties in interest in this business in a just and equitable manner, to the end that all questions may be speedily adjusted, which is a consummation much to be desired.

Cards and compliments.

[Inclosure 2 in No. 319.]

Prince Kung to Mr. Young.

Informal.] NOVEMBER 11, 1883.

YOUR EXCELLENCY: In the matter of the pillage of Shameen by the Cantonese, the Chinese Government propose to nominate a gentleman to deal with it, and it becomes my duty to request the repersentatives of the several Governments interested to consult together and name a gentleman to arrange matters with the nominee of this Government. The two persons thus appointed should choose a third person as referee, in order to avoid controversy.

It is my duty to request your excellency to notify this office of the person whom you may see fit to nominate, and upon receipt of this information the name of the nominee of this Government will be communicated to your excellency.

Cards and compliments.

[Inclosure 3 in No. 319.]

Foreign ministers to the yamên.

NOVEMBER 21, 1883.

The undersigned representatives of the United States, Germany, France, and Great Britain present their compliments to his imperial highness and their excellencies the ministers of the yamên, and beg leave to acknowledge the note of their excellencies dated November 11, 1883.

In this note your excellencies propose, in reference to the pillage of Shameen and the outrages upon foreigners by a Cantonese mob, to nominate a gentleman to deal with it on behalf of China. You then ask the representatives of the powers interested "to consult together and name a gentleman to arrange matters with your nominee. The two persons thus appointed should choose a third person as referee, in order to avoid controversy."

The undersigned have read and carefully considered this communication, and Mr. Young, acting in their name, having had a conversation with your excellencies as to the exact meaning and scope of your proposition, have now the honor to accept it, and in doing so to recognize on the part of your imperial highness a desire to do all in your power to atone for the injury inflicted upon our people by a Chinese mob.

In acquainting your imperial highness and your excellencies with this determination, the undersigned, in order that there may be no misapprehensions, will present the

case as they understand it. It is agreed hat these gentlemen shall form a board of arbitration, that they shall be judges of equal rank and authority, that in all questions a majority of the board shall decide, and at the close of the discussion an award of the amounts due to each claimant shall be paid by the Government against whom it is given, without delay and without appeal by any of the arbitrators to any higher authority whatever.

It is understood likewise that the decision of this board as to the money losses in Canton is to be final, and the undersigned, in the name of their Governments, upon the payment of the awards made within a reasonable time, not less than thirty days after the award, will regard the case as absolutely closed, and hold the Chinese Government free from any further recourse as to claims arising out of the Shameen riot.

The undersigned would also suggest that, as the season is late, and it is important to have this business ended, after the yamên, on the one part, and the undersigned, on the other, have named their representatives, that the yamên and the undersigned should in conference name a third gentleman who would be entirely acceptable to both sides. A selection made in this manner would come within the principles of a just and equitable arbitration.

If this statement of the case shows that we have rightly construed the meaning of your dispatch, the undersigned, upon the receipt of that information, of such assurances as are requisite to make the arbitration a valid tribunal, and of the name of the gentleman you propose as your representative, are prepared to name their representative and do all in their power to bring the business to a satisfactory termination.

Accept, &c.

JOHN RUSSELL YOUNG,
United States Minister.
GRAF VON TATTENBACH,
Chargé d'Affaires for Germany.
SEMALLÉ,
Chargé d'Affaires for France.
T. G. GROSVENOR,
Chargé d'Affaires for Great Britain.

[Inclosure 4 in No. 319.]

Prince Kung to the foreign ministers.

NOVEMBER 23, 1883.

YOUR EXCELLENCIES: Upon the 21st instant I had the honor to receive your collective note, in which it was stated that you accept certain propositions made by this office in an earlier note in regard to disposing of the Shameen case, and that you recognize a desire to do all in my power to atone for the injury inflicted upon foreigners by a Chinese mob; that an arbitration is meant in which a majority shall decide all questions, and that an early disposition of the case is much to be desired, &c.

In the Shameen affair the prince and ministers would observe that, it having originated in murder, an investigation into the circumstances of the riot should be the objective point. These circumstances being correct, the guilty parties could be punished according to their deserts, and there would be no difficulty in bringing out the truth in regard to any damages to property.

This was the purpose of the prince and ministers in their proposition in an earlier note to appoint a board of arbitration; and I beg your excellencies to take it into consideration.

[Inclosure 5 in No. 319.]

Prince Kung to Mr. Young.

Informal.] NOVEMBER 23, 1883.

YOUR EXCELLENCY: Upon the 17th instant you came to this office with Mr. Secretary Holcombe and in person presented a memorandum in three points upon the mode of dealing with the Shameen affair. This memorandum I have attentively considered.

It inquires whether my original proposition meant an arbitration of the losses sustained in the riot or an inquiry into the circumstances of the disturbance.

In my opinion, an examination into the circumstances which gave rise to the riot ought certainly to be made the leading point of any inquiry. These circumstances being correctly understood, the responsible parties ought to be punished as they deserve, and if there are claims for damages there would be no difficulty in bringing the fact to light. I am confident your excellency will agree with me in this view.

In regard to the dispatch received from the several representatives, as it does not agree with my original idea, a separate response has been made to it. I am aware that your excellency transacts all business in an amicable spirit, and that you will be able to evolve a satisfactory scheme out of these two plans.

Cards and compliments.

[Inclosure 6 in No. 319.]

Foreign ministers to Prince Kung.

PEKING, *November* 25, 1883.

The undersigned have received and read the communication which your imperial highness was good enough to make to them on the 23d instant.

They have to observe in reply that the circumstances which may have led to the burning and pillage of Shameen do not in any way concern them in their corporate capacity. They therefore find themselves under the necessity of declining any participation in the appointment of a commission the object of which would be to arbitrate upon the events which led to the burning and pillage in question. The only subject with which the undersigned have any concern in their corporate capacity is the amount of money to be awarded to the various foreigners who have suffered in property through the lawless action of the Canton mob.

The undersigned can only regret that the Chinese Government should have introduced into an arrangement which at the outset promised such satisfactory results to all parties matters on the discussion of which they cannot consent to enter.

The claims which the Governments of the United States, Germany, Great Britain, and France have to make upon the Chinese Government for the losses sustained by their respective citizens and subjects will now be brought forward by each representative at the proper time.

JNO. RUSSELL YOUNG,
United States Minister.
G. VON TATTENBACH,
Chargé d'Affaires of Germany.
T. G. GROSVENOR,
Chargé d'Affaires of Great Britain.
SEMALLÉ,
Chargé d'Affaires of France.

No. 35.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 326.] LEGATION OF THE UNITED STATES,
Peking, January 21, 1884. (Received March 31.)

SIR: I have the honor to inclose for your information certain correspondence between the legation and our consul at Canton, which I am sure you will read with pain.

The continuance of a spirit of unrest and mutiny in Canton, so far as foreigners are concerned, is a grave circumstance.

You will note that an incendiary proclamation, purporting to come from the imperial commissioner Pang, breathing antipathy and bitterness towards foreigners, was allowed to circulate throughout Canton for two days. The viceroy afterwards disavowed it, and I am informed has issued proclamations of an assuring character. Copies of these have these have not reached the legation.

I made an earnest representation to the yamên on the subject of this proclamation, and said to the ministers that if, as a consequence of its indiscreet and inflammatory terms, neither withdrawn nor disavowed by the viceroy for two days, there had been another riot like that in the Shameen, the legation would have a strong argument for contending that the riot was an official and not a popular outbreak, and that China should pay not only direct but consequential damages. This view I expressed in a dispatch to Mr. Seymour, inclosure No. 3, requesting him to give it to the viceroy as the opinion of the legation.

* * * * * * *

This difficulty, however, attends all political events in China at the present time, and adds immeasurably to the embarrassments of the situation, not alone so far as the foreigners, but even the Chinese authorities, like the viceroy of Canton, who wish to do justly towards foreigners, are concerned.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in No. 326.]

Mr. Seymour to Mr. Young.

No. 44.] CANTON, *December* 8, 1883.

SIR: I have the honor to inform you that Canton has, during this week, been thoroughly stirred up by the arrival of Imperial Commissioner Pang and about four thousand Chinese soldiers from the north, and the large sale and circulation of printed matter, purporting to be a proclamation from that official, enjoining upon foreigners to remove their merchandise and property out of the port of Canton, to avert the calamities of war, which seems to be imminent by the aggressive action of France against Annam, over which China claims sovereignty. It has been a week of unusual anxiety among native and foreign merchants and missionaries of all nations or nationalities and denominations, and of general excitement among the Chinese masses, who were led to believe that foreigners must go, and that their merchandise and property were to be legitimate objects of pillage and destruction, and that the imperial commissioner would immediately reverse the policy and action of the viceroy, whom they denounced for his protection of foreigners.

The imperial commissioner arrived in Canton Monday morning, 3d instant, at which time the steamer Whai Yuen landed on Shameen, *en route* to the city, a thousand soldiers. Instantly the word flew from one to another throughout Canton that the imperial commissioner, Pang, had arrived and marched his soldiers through Shameen to let the foreigners understand they must go and that this reservation for foreigners is at an end.

Interviews with the commissioner, Pang, by anti-foreign Chinese of distinction and influence were publicly alleged to have elicited from him decided disapproval of the course of the viceroy.

On the evening of Monday, or early on the morning of Tuesday, 4th instant, the streets of Canton were echoing the shouts of venders of hand-bills purporting to be a proclamation from the commissioner, in Mandarin and English (as per copy inclosed), the said venders causing the populace to believe the commissioner had decreed, in the name of the Emperor, that foreigners must go, and that their merchandise and property would be subject to pillage and destruction, *at the expense of France instead of China.*

The uninterrupted sale and circulation of those mischievous documents on the public streets from Tuesday morning until Thursday noon deepened the impression that their publication and circulation were authorized,

The Chinese merchants doing business with foreigners were the first to show solicitude for the safety of merchandise or property purchased and ordered for exportation.

The foreign merchants quickly caught alarm for the safety of their merchandise and property and their established business between China and other countries.

The Chinese Christians soon had intimations that after foreigners left Canton vengeance would fall heavily upon the converts.

They rushed to the missionaries for counsel and protection, and thus the entire population became intensely interested in the results. The consulates were quickly

sought by many who were deeply concerned about the situation of affairs, and it became necessary to take prompt action to avert serious outrages against native Christians and their chapels, and also the chapels and schools of the various missions, all of which were in jeopardy to such an extent that their doors were kept closed, buildings guarded, and vigilance maintained to prevent pillage and destruction.

On Tuesday a mob gathered at the new "Chinese Doctrine Propagating Hall," which was built, at an expense of 900 taels, by native converts to Christianity who are in connection with the American Baptist mission.

The hall is located near the river, about midway between Dr. Kerr's hospital and the Berlin mission house, or between the American Presbyterian and American Baptist mission chapels, in that part of Canton where turbulent elements are abundant.

The mob, under the pretext of provocation on account of the opposition of the preachers at the hall to "ancestral tablets" worship, smashed the windows and doors and other portions of the hall, and on Wednesday, the 5th instant, again returned to the hall and demolished the pulpit, pews, and plastering. Soldiers were sent by the authorities to the rescue, and further injury to the hall was prevented.

On Thursday two chapels and a school-house, in three different parts of the city, and under the auspices of the American Presbyterian mission, in charge of the venerable Rev. Dr. Happer, were threatened with destruction; and if the doors had been opened, those three buildings would doubtless have been immediately destroyed.

The owner of one of the buildings, in terror of the mob, hurried to Dr. Happer and demanded surrender of the lease to save his building from destruction, after a continuous lease of twenty years.

My dispatch of Thursday, 6th instant, to the viceroy, in regard to the American Presbyterian chapels and schools, and dispatch of Friday, 7th instant, asking proclamations for security of the natives' hall, received satisfactory attention.

On Thursday afternoon, 6th, the influence of the authorities was felt throughout the city in efforts to counteract the effects of the alleged proclamation and to restore order and tranquillity, and by Friday evening, 7th instant, matters became comfortably quiet, and to-day, Saturday, 8th, the anti-foreign rage has completely subsided. Strong proclamations have been issued, and are respected, in favor of tranquillity.

This sudden and welcome subsidence of one of the most formidable outbursts of anti-foreign rage witnessed in Canton during the past seventeen years, based, as was alleged and believed, on the encouragement and leadership of an inferior official invested with high prerogatives and sustained by imperial decree, is one of the marvels of government in a city of over two millions of people without a press. It was generally believed, and is now and yet thought by many well-informed residents who have access to many sources of information, that a proclamation of the nature of the document referred to was actually in preparation or had been prepared, and was either delayed through the reluctance of the viceroy to have it issued or slowness in carving plates for its publication in large letters.

The missionaries, their families and friends, met, to the number of fifty or more, in conference at the house of Rev. Dr. Thompson, one-quarter of a mile east of the hospital, on the evening of Wednesday, 5th instant, and manifested profound solicitude for the safety of their respective missions, and especially for those of the native converts.

An influential committee was appointed to confer with consuls.

Realizing the necessity of prompt action, I prepared and had translated into Chinese a dispatch to the viceroy (as per copy herewith) upon the situation of affairs, on Wednesday evening, for delivery before 9 o'clock Thursday morning at the yamên, thus anticipating the action of that conference.

The consular corps, including consular officers of Great Britain, Germany, France, United States, Netherlands, Sweden and Norway, and Denmark, assembled, by request of citizens concerned, at the consular headquarters, in the United States consulate, for consultation, at 5 o'clock p. m., Thursday, 6th instant, when it was agreed that an identical letter should be sent from all of the consulates to the viceroy, after approval of a form to be submitted at an adjourned meeting on Friday noon, 7th instant, at which last meeting the viceroy's replies and measures, elicited by the United States consul's dispatch (promising military protection to the threatened chapels and repudiating the unauthorized proclamations, so called), gave all reasonable assurance that order and tranquillity would be restored, and were deemed so satisfactory as to render it unnecessary to make any further communication, although the French consul, probably at the suggestion of the Roman Catholic bishop, who was deeply concerned, had called the viceroy's attention to the dangers surrounding French residents by the publicity of such tirades against France in Canton.

All residents, and especially the missionaries, feel that the timely arrest of the excitement, in response to the United States consul's dispatch of the 5th instant, deliv-

ered to the viceroy early on the morning of the 6th instant, averted serious outrages against native and foreign Christians, and perhaps prevented other deplorable acts of a mob. It was one of those cases where or in which remonstrance took effect in time to prevent great harm.

I take pleasure in making record of the facts, as it affords renewed proof of the purpose of the viceroy to maintain in good faith and full force the stipulations of treaty or treaties for the security of foreigners and their interests, and also to prevent the persecution of natives, as well as foreigners, of the Christian faith.

Hoping that Canton may long be spared from another and similar visitation of rage and excitement against foreigners and Christians,

I am, &c.,

CHARLES SEYMOUR,
United States Consul.

MONDAY, *December* 10, 1883.

As this dispatch has been detained over Sunday for interpreter's translations, I will gladly add that to-day crowds are gathered at the walls reading excellent proclamations from Commissioner Pang and from the magistrates, enjoining order, tranquillity, industry, and good treatment to foreigners.

C. S.

A.

[Translation.]

DECEMBER 8, 1883.

I, Pang, imperial commissioner, do hereby publicly notify that as France is seeking or causing trouble which may result in war, it is necessary that we should make due preparations against any calamity or calamities.

That as foreign nations have had trade with China for years, and as our great Emperor always considers that foreigners who came from a long distance and Chinese as one family, whereby every one may be benefited by interests in trade, and as there is no false idea or pretension among them, they would wholly enjoy peace and observe treaties.

That, as all foreign nations must have seen and known, China does not wish, on account of trivial or trifling matters, to make war.

But as the French entertain ill feeling, and know that Annam has for generations past paid tribute to China, yet they, depending upon their strength to insult a weak nation, and that in violation of treaty, they have inaugurated war by use of soldiers against Annam.

China has for a long time wished to comply with applications and send assistance to Annam; but fearing friendly relations might thereby be disturbed, has therefore refrained from sending such assistance.

In former months the French minister, Tricou, arrived at Tien-Tsin in a French man-of-war, stating that a large fleet of French war ships will come to Canton and cause injuries.

This, however, is a mere ruse upon the part of the French to frighten, and their cunning tricks cannot be ascertained.

My great Emperor became wrath at this, and sent me to Canton to assume military command here; now I have brought together both land and sea forces, and to see what measures can be taken.

If they come with troops we will at once fight with France.

The outbreak rests upon France, which took the first step, and therefore we are obliged to make efforts for our defense.

I hope other nations will know or determine which is in the right and which is in the wrong.

Considering or whereas that if fighting begins on the seas, merchant ships would not come, and therefore commerce with foreign nations will be interrupted.

As Chinese troops cannot recognize, distinguish, or discriminate between the flags of foreign nations, that in event of a future war the merchant vessels of other nations happening to pass in the vicinity of strife might be mistaken by Chinese soldiers and people for those of the enemy, and thereby complications may occur.

Considering that all foreign merchants have with great difficulty crossed the large ocean to come to China, although the manner of conducting the various branches of trade by Chinese and foreigners is different, yet the object (making profit) is the same.

It is not proper treatment to those who come from a distance if we do not beforehand notify them, so they might guard against approaching or future calamities in the event of war.

Besides having asked the Emperor to instruct the tsung-li yamên to inform the ministers of foreign nations, I now issue this notice for the general information of foreign merchants, that they should beforehand remove out of port (or harbor) merchandise or property, thus to escape the danger of war, if France is inclined to be the aggressor and send troops to give battle.

During the contest between China and France all vessels of other nations must conform to international law.

A ship or cargo taken as a prize, the nation in question cannot accuse us of wrong.

In all places where the French take hostile action for any merchandise belonging to foreign merchants destroyed by fire or pillaged, the nation will have to demand indemnity from France, and cannot demand it from China.

By reason of one nation violating the treaty the commerce of other nations will be involved, and thus the fault rests upon the one causing the trouble; and all nations will discriminate justly in the matter.

I sincerely publish this proclamation with the hope of notifying the merchants of all nationalities, that they may understand and take precautions, and thus prevent being entangled in difficulties.

(Sold and circulated in Canton, Tuesday, 4th, Wednesday, 5th, and Thursday, 6th December, 1883.)

B.

Mr. Seymour to Viceroy Chang.

CANTON, *December* 5, 1883.

SIR: I have the honor to call your excellency's attention to the fact that a Chinese mob yesterday made an attack upon a Christian chapel, and renewed the attack this morning.

The chapel is located on the north side of and near the river, between the American Baptist and Berlin and American missions, a short distance from the hospital and the exchange; and as further depredations may be perpetrated unless prevented by the authorities, your excellency is respectfully asked to meet the case so promptly as to stop the mob from doing more mischief.

I also have the honor to call your excellency's attention to the inclosed publication, which has been publicly and extensively sold and circulated for two days on the streets, and to ask whether it is an authentic, true, and authorized expression of what it purports to be in regard to the removal of merchandise of foreigners to prevent its destruction, as it has already produced much uneasiness and general excitement, especially among natives and foreigners in business circles, and seems to be regarded by the turbulent element as an encouragement to destroy the merchandise of foreigners whenever it is thought France shall have assumed a warlike attitude toward China, the danger being that many Chinese will consider the war as already inaugurated and proceed to an indiscriminate destruction of merchandise of foreigners, under the cover of what they are construing as authority.

I am, &c.,

CHARLES SEYMOUR,
United States Consul.

C.

Viceroy Chang to Mr. Seymour.

[Translation.]

Chang, viceroy of the two Kwangs, sends the following communication in reply to the consul:

Upon the 7th day of the 11th moon of the 9th year of Kwang Hsui (December 6, 1883) the viceroy received a dispatch from the consul. [Here the contents of the dispatch are quoted in full.]

The viceroy would state that yesterday he had heard of the disturbance made by some lawless people toward a chapel which is situated at Ng-Shin-Moon, near the river, and as was stated in the dispatch under acknowledgment.

The viceroy has consequently directed the local authorities (both civil and military) to take soldiers and proceed with them to that vicinity and maintain order there.

Subsequently those officials informed the viceroy that they had maintained order and dispersed the crowd, and that everything is quiet and restored to peace. How-

ever, the viceroy gave strict instructions to these officials that they should at all times inquire and give protection in case of need, thereby to maintain peace among natives and foreigners.

With regard to the proclamation which you said had been sold about in the streets for two days, and which has produced much uneasiness and general excitement, the viceroy would state that all proclamations which are issued by the officials in China should bear the official seal upon them before they are published, and that upon examining the inclosed proclamation the viceroy found it was printed by the people and secretly sold amongst them; thus it will be understood that it affords insufficient proof to be considered genuine.

Upon receipt of the foregoing dispatch the viceroy at once instructed the Namhai and Poon Iu magistrates and the prefect of Ouang Chow that they should at all times inquire into, arrest, and strictly prohibit the publishing of any such false notice.

It is deemed proper that the viceroy should send this in reply to the consul, for his information.

Kwang Hsui, 9th year, 11th moon, 7th day (December 6, 1883).

Memorandum, December 10, 1883, *by consul.*

A subsequent dispatch from the viceroy assured protection to the American Presbyterian chapel and school, and another and later dispatch from the viceroy reports directions to the magistrates to issue proclamations to protect the native Christians and their hall.

Proclamations have been made as desired, not only by magistrates but by the imperial commissioner.

C. S.

NOTE.

Rev. Mr. Happer to Mr. Seymour.

MY DEAR MR. SEYMOUR: The commissioner Pang has issued a proclamation. Part of it is in the same tenor as the Namhai's; says the Government and foreigners are at peace; no one must stir up strife; calls upon all the Chinese to attend to their usual business in question. I will get a copy to-morrow morning; now it is surrounded by a crowd, so cannot copy. It may be on sale before night.

Yours,

A. P. H.

[Inclosure 3 in No. 326.]

Mr. Young to Mr. Seymour.

No. 59.] JANUARY 21, 1884.

SIR: I have read with painful interest your dispatch No. 44, December 8, 1883. The condition of affairs therein narrated shows a disposition towards foreigners much to be regretted, coming especially after the serious outbreak in the Shameen.

Your prompt action in presenting the case to the viceroy meets with the commendation of the legation.

This remonstrance, I think, might have taken a more serious form. The proclamation of Pang was an unwise and unfriendly document, one calculated to inspire the worst feelings in a community where the spirit of intolerance already prevailed. It came from a high official, who spoke in the name of His Majesty. Although disavowed and withdrawn, it was sold about the streets for two days. The viceroy says that it bore on its face the evidence that it was not genuine. And yet I have seen nothing to show that the imperial commissioner Pang did not write or inspire it. The real meaning of the viceroy's comment, as found in your inclosure C, is not that the proclamation was fraudulent, but simply irregular, informal, not official.

For the viceroy to permit an incendiary proclamation of this nature to circulate for two days was to assume a grave responsibility, and if any outrage had taken place, as at the Shameen, it would have been difficult to have released the Chinese from the responsibility of not alone actual but of exemplary damages.

You will, in your conversations with the viceroy, impress this fact upon the attention of his excellency. The legations here know that Canton is the seat of peculiar irritations and disturbances, that political feeling runs high, and that rulers with the firmest nerves may tremble in the presence of the elements of discontent and misrule which there prevail. But unless his excellency proposes to surrender his high authority to a mob, there is no time in which to end a demonstration of this kind except

at the outset. The fact that his excellency should have allowed it to run for two days without check or rebuke is a painful incident.

Your action in taking the matter in hand at once, meets with my commendation. My chief regret is, and out of this regret arises a constant anxiety as to Canton, that the viceroy failed to see at the outset what justice to the foreigner, and even loyalty to the throne, required of him.

I am, &c.,

JOHN RUSSELL YOUNG.

No. 36.

Mr. Frelinghuysen to Mr. Young.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 22, 1884.

Mr. Lowell has telegraphed his interview with Lord Granville relative to the obstructing of the port of Canton. Instructions have been given him to the effect that the treaty ports cannot rightfully be closed by either France or China, except the latter should do so for necessary protection. Should France agree absolutely and not conditionally to make no attack on the treaty ports, a protest against their obstruction will be made to China by this Government. No protest can be made against China for taking such steps for its defense as it may deem necessary.

No. 37.

Mr. Young to Mr. Frelinghuysen.

No. 338.] LEGATION OF THE UNITED STATES,
Peking, January 29, 1884. (Received March 31.)

SIR: The Department will learn from the memorials addressed to the throne, which I have the honor to inclose, the extent of the suffering now prevailing in the northern provinces of China, caused by the floods of last year, and the consequent destruction of the crops for hundreds of square miles.

I have, &c.,

JOHN RUSSELL YOUNG.

THE FAMINES IN THE NORTH.

Li Hung Chang has addressed a memorial to the throne, in which he refers to the great distresses among the poor arising out of the floods in the northern provinces of China, and especially in the country surrounding Tien-Tsin and Peking.

With the arrival of winter the floods have left the higher-lying ground, but all the low-lying lands continue to present the aspect of an unbroken sea, which must shortly be frozen over, adding the misery of cold to the sufferings of people already borne down with hunger, and precluding the possibility of hoping to be able to sow the crops in spring. The funds available for the relief of this distress are already more than exhausted, and the drain upon the provincial revenue from other sources is considerably more than it can bear. Under these conditions it becomes necessary to look elsewhere for means, and the only plan that suggests itself is to encourage private contribution by the offer of honorary rewards. The abolition of the purchase system has at present reduced the rewards that are allowed to be granted to mere empty

rank or patents, which it is found are not a sufficient inducement to encourage people to come forward at all liberally, while the proposal to give buttons and promotion as an extension of this system can only be availed of by the wealthy classes. The board have made an exception to this rule in Shantung, where full payment of contributions is allowed to be rewarded by the bestowal of a *chien sheng* degree, and the memorialist would now beg that this privilege may be temporarily extended to the province of Chihli, and withdrawn as soon as the necessity which dictates the innovation shall cease.

An imperial decree grants the above.

SUFFERING IN THE NORTHERN PROVINCES.

[From the Peking Gazette.]

A long memorial from the governor-general, Li Hung Chang, and the governor and governor adjoint of the Shun-t'ien prefecture, detailing the measures they propose to take to relieve the distress in their respective jurisdictions by the sale of grain at reduced rates and other means.

Some time since the board of revenue communicated to the memorialists a memorial submitted to His Majesty by a censor urging the necessity of selling grain at reduced rates in Peking, with their minute thereon, in which they expressed a fear that the capital would be invaded by large numbers of poor in search of food unless timely measures were taken to anticipate their arrival. They accordingly suggested that the province of Chihli might be called upon to supply 100,000 taels, and that other provinces, with the exception of Hupei, Shan Tung, and Chekiang, where there was also much distress, might be directed each to contribute 30,000 taels from their opium lekin fund, or its equivalent in grain, and send it to Chihli, where the memorialist Li Hung Chang would devote the money to the purchase of grain, a portion of which would be sent to Peking, to be sold there at reduced rates. The scheme having received the sanction of His Majesty, it was communicated to the memorialists, who have been in constant correspondence on the subject, and now beg to submit an account of the arrangements they propose to make. They would premise that in the year 1876, when a similar arrangement was called for, the sum of 140,000 taels was devoted to the purchase of 87,000 piculs of grain, which was sent to Peking, and there sold at reduced rates from the 1st to the 8th moon of the year. The losses on these sales, inclusive of the cost of carriage, was 114,000 taels, which was defrayed out of funds at the disposal of the board and the coast-defense fund. The memorialist Li Hung Chang then proceeds to record, in somewhat complicated and guarded language, his objections to the issue of relief in the form of cheap grain: first, because it is impossible to determine the genuineness of the poverty of the purchaser; secondly, because the tendency of Pekingese to eat their grain in the form of flour renders it necessary to have it ground by millers, who are certain to levy toll on what passes through their hands; and, thirdly, because the present stagnant condition of trade will prevent that substantial aid from merchants being afforded which on former occasions was one of the chief elements which conduced to the success of the undertaking. As, moreover, the governor-general cannot be responsible for the managment of the enterprise in the Shun-t'ien prefecture, he begs to retire from the control as far as that region is concerned, and to leave it to the governor and governor adjoint. As it is the chief object of the board of revenue to provide against a pauper invasion of Peking, he opines that this object will be met by applying the system it is proposed to introduce to the Shun-t'ien prefecture alone, and he would suggest that 40,000 piculs of grain from the Peking granaries be placed at the disposal of the governor and governor adjoint of Shun-t'ien, for disposal in the manner that further inquiry may show to be advisable. He is prepared, if this suggestion meets with His Majesty's approval, to furnish 100,000 taels to be expended by the above officers in relief.

Approved by rescript.

A further memorial from Li Hung Chang with reference to the funds he has been called upon to provide for the purchase of the grain required for the object specified in the preceding memorial.

The board suggested that the arsenal fund should contribute 40,000 taels and the opium duties another 40,000 taels; but on reference to the manager of the former establishment and the customs taotai, these officers represent that they are not in a position to meet these claims on their resources. The arsenal at Tien-Tsin is supported by a grant of one-fourth of the foreign customs revenue, supplemented by a contribu-

tion paid from the duties collected from the China Merchants' Company. These grants have been found insufficient of late years to meet the increased expenditure entailed by the extra provision of ammunition required by the different provinces and the purchase of foreign machinery which this larger output requires—so much so that the accounts show a large deficit, which for the last three years has been partially met by a monthly grant of 10,000 taels from the board of revenue. The duties on foreign opium and dues collected from the China Merchants' Company are amalgamated under one head, and four-tenths of the total receipts are paid over to the arsenal, with the exception of one-fifth of the China Merchants' Company's duties, which are set apart for the use of the board of revenue. The balance, which is far from considerable, is devoted to the maintenance of coast defenses and payment of troops; but as it is inadequate for this purpose, it is supplemented every year by drafts to the amount of several of lacs of taels on the funds which should properly be sent to the provincial capital by the salt commissioner. This state of financial embarrassment, which is the normal condition of the province in ordinary years, is naturally augmented in times of widespread distress like the present; and, as the claims of the board cannot possibly be met in the manner suggested, it becomes necessary to seek for other means of meeting the difficulty. The establishment known as the *chih ying chii*, or general accountant's office, which meets demands for payments on different accounts, has in hand at this moment principal funds which bear interest, and the memorialist would suggest that this fund be drawn upon to the extent of 100,000 taels for the purpose above mentioned.

Granted by rescript.

No. 38.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 350.] LEGATION OF THE UNITED STATES,
Peking, February 11, 1884. (Received April 11.)

SIR: * * * On the 10th of January I was informed by the British minister, Sir Harry Parkes, and the German chargé d'affaires, Count Tattenbach, that dispatches had been received from their consuls at Canton saying that the Chinese authorities were preparing to obstruct the water approaches to Canton, and that the effect of these obstructions would be to imperil, if not to prevent, navigation. The German consul reported that Whampoa would "be totally blocked."

I telegraphed Mr. Consul Seymour for information, and his reply I inclose. Mr. Seymour, as you will observe, said that there would be "serious obstructions without equivalent benefits."

Two questions arose which in the opinion of the legation required immediate attention.

The first was that by the terms of the treaty of Tien-Tsin, 1858, concluded between China and the United States, in Article XXVI, United States vessels, in the event of war between China and other powers, were to have free access and egress in the open ports. "It is further agreed," says the treaty, "that in case, at any time hereafter, China shall be at war with any foreign nation whatever, and should for that cause exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security, and to transport goods to and from the ports of the belligerent powers," &c.

The second was that the Chinese authorities, in a time of peace, were performing a belligerent act directed against the commerce of friendly powers, an act which if permitted at Canton would stand as a precedent for closing every port in China.

I was not disposed to lay much stress upon the first of these proposi-

tions, or even to make it a matter of serious debate with the Government without asking for your special instructions. To be sure, the stipulations of the treaty are plain. It was made, however, in 1858. Since then the methods of offensive and defensive warfare have been revolutionized. The United States, during the rebellion, saw fit to obstruct the channels in Charleston harbor by sinking ships laden with stone, to secure an effective blockade. Germany, during her latest war with France, protected her Baltic ports with torpedoes. I should have felt some embarrassment in seeking to persuade the yamên that what Germany and the United States regarded as honorable warfare could not be permitted to them.

At all events, I should have deemed it wise, before making any representation to the yamên, to have asked the Department for further instructions as to how far my Government was disposed to assert our rights under the article I have quoted.

As to the second proposition, I could see no doubt as to my immediate duty. The situation was this: The viceroy of two provinces, a local official, upon his own responsibility, without asking the orders of his Government and without any communication to the foreign powers of such a contemplated act, proposed to do what could only be regarded as an extreme and supreme measure of war, namely, to close a port open to us by the treaties. This was to be done when China was at peace, and before any declaration of war, or even an intention so to declare, had been published. If the obstruction of Canton, under these circumstances, was permitted, without a prompt and decisive protest, there would be no reason why this or a subsequent Government, the Canton viceroy, or the ruler of other provinces should not obstruct and close every port in China. And while it might be said that motives of self-interest and the natural desire of the Chinese to profit out of foreign commerce would render such apprehensions improbable, yet one can never cease to remember that in China there is a powerful and what some observers regard a dominant anti-foreign sentiment, which would regard such a measure as excluding all foreigners from the Empire as an act of the highest patriotism.

The question was one which under ordinary circumstances I should have submitted to the diplomatic body. But on account of the relations between China and France, I believed, on reflection, that separate action, and especially in my own capacity as the American representative, would be the most effective in securing the ends of peace. With this view I requested an interview with the ministers of the yamên. The result was a long conversation, a report of which is inclosed.

It would be superfluous to repeat what is written with so much detail in this report.

* * * * * * *

There were two points which I especially urged upon the ministers in my conversation. The first was that I came in neither a complaining nor an unfriendly spirit, but to advise their excellencies as to the impropriety of the action taken by the Canton viceroy. And in making this statement I knew that I was expressing the feeling of Sir Harry Parkes and Count Tattenbach. We had no disposition to embarrass China, or even appear to censure an official for doing what he deemed best to defend his country. But, and this was the second point of my argument, we were doing China an office of courtesy. It was her interest, even should there be war, not to throw aside the benefits which international law secures to belligerent powers. Supposing events with France were to impose upon China a supreme contingency, the first duty

of Chinese statesmanship would be to seek the good will of the powers which had no concern in the enterprises and adventures of France. The measure proposed at Canton was aimed at all nations holding commercial relations with China, and not merely France alone. It was, as Mr. Consul Seymour reported, a measure of doubtful utility; to quote his exact words, resulting in "serious obstructions without equivalent benefits." It would only irritate friendly powers who were bound to protect their commerce and their people, and who could not under any circumstances consent to the abrogation of a treaty by a provincial official.

To these and correlative arguments which I pressed upon their excellencies again and again during a long conversation, they replied with a rude logic which was not without force. "If," they said in substance, "the western powers are well disposed towards China, if your Government is, as you say, friendly, why do you not interfere and compel France to cease her assaults? If America is China's true friend, why does she not show her friendship in this hour of emergency? Here comes the robber with torch and steel to invade our house. You are our guests. Why will you not assist us in keeping the robber out? China has made other nations rich with her trade. She longs to pursue that beneficent pursuit. Why should not those who share these benefits make some return?"

It was not difficult to see that other arguments animated the yamên, and in presenting this view of the case I think I am giving the principles underlying the present policy of China towards foreign powers. "Why," they say, "should China, under any circumstances, make war? Why not compel the foreigner to do so? Great Britain, Germany, Russia, the United States, are dying for our trade. They know that it is an essential factor in their commercial greatness. Without our silk, our tea, and so on, they would be poor indeed. They are great powers, with guns and ships and torpedoes and other inventions. Why, therefore, is it not the highest wisdom to impress upon these nations the peril involved in the withdrawal of the Chinese trade, and thus compel them to save China from the invader?"

This theory, deeply rooted in the minds of the ministers and adverted to again and again, as the Department will note in my conversation with their excellencies, made it difficult to come to an understanding, or to divest any advice that could be given as to the impropriety of proceedings like those complained of at Canton of the suspicion of insincerity. If we were friends to China, we should show the efficiency of that friendship by controlling France. There was also the further proposition that China was justified in taking any step to protect her soil. This was the sovereign right of self-preservation. It was difficult to show how, as friendly powers, we should not aid China in opposing an enemy, or, failing in that, how we should contest her own right to do so. The only argument that seemed to make an impression upon the ministers was that China, by doing acts of war in time of peace, which affected the interests of friendly nations, was invoking an opposition from those who wished her well, and whose friendship might not be without its advantages should war ensue with France.

My conversation with the ministers was followed by interviews between them and the representatives of Great Britain and Germany. A memorandum of these conversations was given to me by Sir Harry Parkes and Count Tattenbach, and will be found as inclosures. The Department will observe that the position assumed by the legation in presenting our case was confirmed by my British and German colleagues.

Although we could not induce the yamên to give us a formal withdrawal of their policy, nor to make any promise that what had been done at Canton might not be repeated at Shanghai and Tien-Tsin, the practical effect of our joint action was to arrest the obstructions proposed in Canton, and to show the Government that we could not permit what had been attempted as a precedent. I did not feel myself at liberty to go beyond an earnest and at the same time a friendly protest.

The point at issue was so important, and the possible action of the yamên so uncertain, that I felt bound to submit it without delay to the Department. This was also done by the British legation. The dispatch of Sir Harry Parkes to Lord Granville, and his lordship's answer, will be found as inclosures.

I also requested Admiral Davis, now at Shanghai, to have some skilled officer examine the nature of the proposed obstruction. Such a report would have a technical value, as that of a professional expert, apart from the judgment of the consular gentlemen upon whose information we act.

The correspondence is herewith submitted to the Department. I am persuaded that you will agree with me that, considering, on the one hand, our rights under the treaties, and, on the other, the practical embarrassments which confronted China, wishing under no circumstances to appear harsh and stern, the position taken by the yamên made our duty clear; that this duty was to protest against a grave violation of treaties and of international law. I endeavored to do so in a way that would show the ministers that no nation, under existing forms of civilized society, could venture upon deeds of this nature without doing herself in the end a grave injury; that treaties and international law were made for the common welfare of mankind, and that in their sanctity China had no small share.

To have overlooked the action of the Canton viceroy, to have permitted a precedent which at any time, under the reactionary influences possible in China, would have fatally wounded every foreign interest, would, in my opinion, have been a serious neglect of duty. I trust that the action of the legation will meet with your approval.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in No. 350.]

Memorandum of a conversation between Mr. Young and the ministers of the tsung-li yamên, January 14, 1884.

Mr. Young, after the exchange of the usual courtesies, said to their excellencies that he wished to confer with them in reference to circumstances at Canton as reported to the legation by Mr. Consul Seymour, and to the British and German legations, likewise, by their consular representatives. From these telegrams, the contents of which he submitted to their excellencies, it would appear that the viceroy at Canton had notified the consuls that the river north and south of Dane's Island would be blocked by the construction of a wooden bridge, and that there would be left for navigation an opening in the bridge seventy Chinese feet, or about eighty feet, in width. The reason assigned for this measure to the British consul was the necessity of having torpedo practice. According to the British consul, this opening in the bridge would be sufficient for the passage of British vessels of war, but insufficient for usual navigation. The German consul reported that the Whampoa and Canton Rivers would be blocked, the one totally, the other with the exception of the passage referred to. The German consul was of the opinion that while the steamship navigation would be difficult, ship navigation would be impossible. The American consul had reported that the reason given by the viceroy for the proposed blockade was to

open communication between the opposite forts and torpedo defenses. In the opinion of the consul, it would be "a serious obstacle without equivalent benefits."

Mr. Young said there were two or three considerations of a grave character which he wished to present to their excellencies. At the same time he would like to know how far the news that had been received from these consulates was confirmed by the news in the possession of the yamên.

The minister Chang said that the yamên had been told by the viceroy at Canton of his purpose to build certain defenses covering the approaches to Canton, and that these defenses would involve a partial obstruction of the Canton River. But that care would be taken to so build them that foreign commerce and foreign men-of-war could go to and from Canton in safety.

Mr. Young said that he much regretted that the information he had laid before their excellencies did not justify this impression. On the contrary, it was the belief of the consular gentlemen whose telegrams he quoted that the practical effect of obstructing the channel as proposed would be to close the port of Whampoa and practically seal up Canton. "Mr. Seymour," continued Mr. Young, "expressed also the decided opinion that it would 'be a serious obstruction without equivalent benefits.'"

The minister replied that Mr. Seymour's dispatch seemed to be an extravagant expression of opinion.

Mr. Young said, as Mr. Seymour had the reputation of holding the viceroy's confidence, and had been criticised for what were called his "Chinese sentiments," such an expression, deprecating as it did the viceroy's action as unnecessary, was entitled to special value. However, on that point Mr. Young did not lay much stress. He knew that Mr. Seymour was not an engineer, and he therefore had requested Admiral Davis to have the character of the proposed obstructions examined by a competent naval officer. That report would have technical and scientific value. What Mr. Young wished, however, to point out to their excellencies was that the Canton viceroy had made a grave error.

First. The viceroy was committing an act of war in a time of peace, an act of war against neutral and friendly powers who had given China no cause for aggression.

Second. He was violating the treaty in this, that while Canton was an open port, as provided in Article XIV of the treaty of Tien-Tsin in 1858, the viceroy proposed to close it.

Third. That if the Chinese Government claimed the right to close Canton without due notice to the contracting powers under treaties now in force, there was no reason why Tien-Tsin, New Chwang, Shanghai, Ningpo, Foochow, and every open port should not be closed. This, Mr. Young submitted, involved an assumption of authority on the part of the Chinese that could find no warrant in the treaties.

Fourth. That regarding the right of China, as a proper means of defense against an enemy or even as an act of war, to blockade her harbors and channels by artificial obstructions, there remained the stipulations in the convention signed between China and the United States in 1844 and 1858. By Article XXVI of the latter treaty it was expressly declared "that in case, at any time hereafter, China shall be at war with any foreign nation whatever, and shall for that cause exclude such nation from entering her ports, still the vessels of the United States shall not the less continue to pursue their commerce in freedom and security and to transport goods to and from the ports of belligerent powers, full respect being paid to the neutrality of the United States." To this were added certain restrictions preventing our ships under these circumstances from giving aid to the belligerents against China.

Fifth. That while the viceroy was doing an illegal act, and, according to friendly authorities, an act of questionable advantage to the defenses of Canton, he was adding to the cares and perplexities of the Government by creating an issue which could by no possibility strengthen Chinese relations with friendly powers.

The ministers said that "we must regard what was done in Canton as the act of a local official charged with the defense of that port, that he was entitled to defend it in his own way, and that if the yamên were to hamper him with objections and instructions, and if by any chance there resulted mischief to Canton, the yamên and not the viceroy would be answerable to the Emperor with their heads."

Mr. Young answered that this was a proposition which could not be accepted for a moment. The foreign ministers were not accredited to the Canton viceroy, but the Emperor of China, and they must transact their business with the ministers of His Majesty.

The ministers then replied that the yamên were willing to accept the responsibility of the viceroy's acts and to defend them upon the highest grounds, namely, the necessity of self-protection. China was now attacked by a foreign power.

"By what power?" Mr. Young inquired.

"France."

"If you are at war with France," Mr. Young answered, "why not give the powers notice, so that our Governments can act accordingly? But I do not know that you are at war with France. On the contrary, I am bound to consider the relations be-

tween France and China unbroken, especially as I know that Prince Kung paid his annual visit of courtesy and friendship to the French legation a few days ago, and I saw the French flag flying over the French legation an hour ago."

"But," said the ministers, with some warmth, "the world knows, the diplomatic body knows, that France is at war with China. Hanoi has been taken, Santoi has fallen; French troops are fighting Chinese troops in Tonquin, a Chinese dependency. If you find ground for complaint in the measures of defense at Canton, go to the French legation."

Mr. Young replied that he was not accredited to the French legation, but to the yamên. He wished their excellencies to believe that he did not come in a complaining mood, or to add to the troubles of the yamên. The propositions he had presented arose out of a state of affairs for which the Chinese are responsible, and he was certain the more gravely the ministers considered them the better it would be for the interests of China.

"But," said Chang, "we have had no complaint from the British minister, none from the German minister. They know what has been done in Canton, and both ministers consent."

"I must," said Mr. Young, "disturb that illusion. These events at Canton have been the subject of earnest conferences between Sir Harry Parkes, Count Tattenbach, and myself, and I am speaking with a full knowledge of their opinions. It was deemed best that I should present to you, in the friendliest and at the same time the most earnest way, our objection to an unfortunate and unlawful policy. I shall not fail to communicate to Sir Harry Parkes and Count Tattenbach what passes in this conference."

Mr. Young then repeated the case as presented above, and again read the telegrams detailing what had taken place at Canton.

The ministers, speaking through Chang, then went into an elaborate exposition of the Chinese side. In the first place, they said, we must recognize it as a friendly act on the part of the viceroy to notify our consuls. He had made no such notification to the French.

Mr. Young interposed by saying that there should be no question of friendliness either on his own part or that of his British and German colleagues. As for himself, and he knew he might venture to say as much for his colleagues, they could not approach China in a friendlier spirit than was now entertained.

The minister Chang continued in a long speech, which assumed the form of a declamation, interspersed with metaphors and invectives. China was in the position of a house-owner, a host. This host had three guests—England, Germany, and America. They were living in happy communion. Suddenly the host, China, sees a robber come, France. This robber means to plunder the host, take his life perhaps; it may be, injure his guests. What should the guests do? Plainly combine and help the host turn out the robber. That they will not do. The host then proposes to close one of the doors in his house, Canton, so as to give the robber one less chance of entrance. And the guests now wish to interfere, oppose their host's plans for protecting his house and his friends, and say that the host shall not hunt and capture the robber.

Mr. Young replied that the illustration was interesting; but it failed in one essential point—China had not declared France to be "a robber." When she did, the guests would do what the laws of nations commanded as just alike to China and France.

"Why," said Chang, "do not neutral powers who have large interests in China, and whose friendship we recognize and accept—why will not England, Russia, Germany, and America unite and compel the French to behave towards China? China wants your friendship, wants to trade with you, wishes you no harm and no harm to France. Why can you not join and compel France to cease molesting China? Give us a guarantee that you will do so and there will be no obstructions."

Mr. Young replied that the action thus proposed was of too grave and momentous a character to be discussed by any but the rulers of the nations whose officers were thus invoked. Of course any anxieties their excellencies might entertain as to the safety of China, or perils threatening her peace and autonomy, would be heard with sympathy by friendly powers. But a request like this, even if the granting of it were feasible, could not but be regarded as an admission of weakness on the part of China. It was virtually placing China under the protectorate of the powers named, and Mr. Young did not think their excellencies craved that position. These powers, each and all of them, had their own interests to regard, interests in which France was more or less involved. They were all friends, some allies, of France. The proposed joint intervention did not come within the range of diplomatic possibilities, and if the ministers valued Mr. Young's opinion on the subject it would be this, that China in making such an appeal was practically offering to surrender her independence, and to admit that she could not protect her Empire.

"Again," said Chang, "what we are doing is in defense of your commerce."

Mr. Young said he did not quite see that; but the powers concerned, the United

States certainly, could defend their own commerce, and China should allow no anxiety of that kind to disturb her councils.

"You do not," said Chang, "deny China the right to defend her own territory?"

"On the contrary," Mr. Young answered, "I applaud the right."

"Then what would you have us do to defend our country? Here is the robber coming, coming, coming [with much animation of gesture]; we want to keep him out, we want to close the doors, and you say no! What, under the same circumstances, would America do?"

"I will tell your excellency," Mr. Young replied, "what America would do, what America has done. We should build forts, arm vessels of war, cover the shores of our harbors with batteries, perfect a torpedo system, drill soldiers, plan railways and canals for transportation, call out our people, give them arms, and if the enemy came, fight him. But we shall never, especially in time of peace, obstruct our natural channels of commerce, given by Providence for the good of mankind, and of which there are few enough in the most favored countries. This we should not do in times of peace, and we should do it with reluctance and only as an extreme necessity in time of war."

"But America," said Chang, "did it as an act of war."

"As an act of war, yes," Mr. Young replied. "We did it as an act of war against an enemy in Charleston. The circumstances there, although I am speaking to your excellency from recollection and may not be accurate in minor details, were these: The United States was at war. Her belligerent rights were recognized. Blockades were maintained. Fleets and armies were in motion. The effect of the war was to inflict upon the people of other nations who needed our products for manufactures, England especially, great hardships. These hardships were accepted, as an incident of war, without a protest. We sank ships laden with stones in the channels leading to Charleston. This we did as an act of war. But other nations protested that it was a violation of the laws of nations to seal up permanently a harbor. My Government gave an assurance that the obstructions would be removed when the war ended, and this was done."

"China will do the same," replied Chang.

"But your excellency," said Mr. Young, "must excuse me if I again, with some emphasis, call your attention to the divergent circumstances. What we did as an act of war, and not without protest from friendly nations, you are doing as an act of peace. Even as a war measure some of the neutral nations might protest, as they did against the United States. We certainly should have the right to do so under the twenty-sixth article of the Tien-Tsin treaty. If other nations have not that same right in their conventions, the favored-nation clause gives it to them. As a consequence, even if war were declared, and we entered upon our duties as neutrals dealing with belligerent powers, the question would still be open. Undoubtedly China in a state of war would receive from foreign friendly powers every consideration as to the means she deemed necessary for self-defense. But supposing the waiving of this article was the result of the forbearance of friendly powers; supposing obstructing your rivers was regraded as within your rights, despite this treaty; you then might do against an enemy, and not without a protest, what you are doing now against friends."

"But how can you call the capture of Hanoi peace?" asked Chang.

"You have not declared war," said Mr. Young, "and how can we regard it otherwise than as an act that does not concern you? You have remanded the whole business to diplomacy; the Chinese minister is in Paris, the French minister is in Peking. If you are at war, say so, and I will so inform my Government."

"We have," said Chang, "no evil intention to any country but France."

"Why, then, to annoy France," Mr. Young asked, "do you an act of questionable value to China, of little moment to France, and which compels remonstrance from friendly powers?"

"There is no ground for irritation," was the reply. "We only block one channel partly, the other not at all."

"Our information," said Mr. Young, "does not sustain that view. Here are telegrams from three consuls. They agree on one point, namely, that there is obstruction. Laying that aside, however, without asking whether the obstruction is small or great, we must come again to the essential point. If China can in a time of peace obstruct one channel without even communicating her reasons for so doing to the foreign powers, why may she not do the same to every port in China? His excellency must certainly see that to allow this right to go unchallenged is to place every foreign interest in China at the mercy of any viceroy. You obstruct Canton to-day; why may not the viceroy Tsao obstruct Shanghai next day, and the viceroy Li, Tien-Tsin the day following. Millions, many millions, of foreign property in China, under the safeguard of treaties, would by such acts shrivel up in a day." Mr. Young was not discussing such extreme acts as a probability, but it was a possibility, and diplomacy could not overlook what was possible in a matter so important. It was in assuming this most untenable prerogative that China seemed to have made her gravest blunder.

"Suppose," replied Chang, "that your Government, with the governments of England, Germany, and Russia, were to guarantee that France would not rush in suddenly and take Canton, or that France would not make war without due notice, so as to give us time to prepare; we could then give you the assurances you wish. What is the use of your being friendly, and of our seeming friendship in England and Germany, if your friendship counts for nothing in this hour of trial?"

Mr. Young said that he could not enter upon these questions, however much he might regard them as worthy of sympathy. His excellency made the mistake of supposing that the friendly interest of one power in another meant an obligation to fight its battles. That rule did not prevail in private life, much less was it a principle of international law. Contingencies might arise, as one of the consequences of war, wherein the neutral powers might come to the aid of China, as they came to the aid of Turkey after her war with Russia, compelling Russia to revise the treaty of San Stefano. The friendly neutral powers would serve China so far as it served their own interests. This might seem a cold and selfish declaration, but Governments could not exist upon any other footing. It would naturally follow, therefore, that the true policy of the yamên would be in no way to alienate friendly powers. If the pressure of France upon China were to injure the interests of the maritime powers, they would act without any suggestion from China. There could be no greater folly than to take a course which made such action impossible, and this would certainly be the case were the yamên to follow the policy of the Canton viceroy.

"But," replied Chang, "here are the French vessels in Chinese waters, surveying, spying, and why don't they go away? The French are to blame for it all. We claim the right to close our ports, to defend our country; and if the foreigners complain, we can only answer, Go ask the French! Take the French away! The French are troubling trade; go take them away! It is a matter between you and France; don't trouble us! We mean to defend our country!"

Mr. Young answered that he was sorry to hear these opinions. They could not come to good, and he was sure when he made these sentiments known to his English and German colleagues they would share his regret. It showed a timid and unjust policy on the part of the yamên, one that would not strengthen China in the eyes of foreign nations. If China were a great Empire she could take care of herself without doing wrong to neutral powers. On the contrary, this policy of entreaty, invective, and deprecation could only be regarded as weakness. The yamên called France an enemy. Well, let that be granted; was that any reason why other nations should be treated as enemies, why the American minister should come to-day to protest against an act which his excellency does not deny is an invasion of the treaties and an infraction of international law?

"As soon as we have peace," said Chang, "all will be right."

"But is there war?" Mr. Young inquired. "Will your excellency write me an official note saying that what you have done is an act of war, and will be undone when peace is proclaimed? Or will you authorize me to say to Sir Harry Parkes and Count Tattenbach that China is at war?"

The ministers made no answer. Mr. Young again pressed them, and especially upon the point that the right to blockade one river meant to blockade all.

"We have not done so," was the reply. "You have it in your power to end all this. Take the French away from Tonquin or give us an assurance that they will not blockade or burn our ports."

Mr. Young said that he was much afraid that the subject was one upon which there could be no further conversation. He was sorry to have so unsatisfactory a report to make to his colleagues. He must now ask Prince Kung to address a note to the diplomatic body or to the American legation explaining his reasons for this action. He would like to have these reasons in an official form, in order that he might give officially the objections he had presented in this conversation.

The ministers said at first that they would send the note. After some conference, it occurred to them that any note to the diplomatic body would of necessity include France, and they wished to conceal their purposes from France. They would, therefore, confine their statements to verbal communications with myself and certain of my colleagues.

Mr. Young replied that it was a matter of minor consequence, and he did not wish to intrude upon any reserve the yamên thought necessary to use towards the French legation. He must, however, ask their excellencies to take a formal note of the fact that the American legation protested against the act of the Canton viceroy as an express violation of treaties and as the establishment of a precedent which might at any time be fatal to foreign intercourse with China.

The ministers, with energy, claimed their right as Chinese to defend their country, a right superior to international law.

The discussion was protracted, lasting over two hours. All the points that are embraced in this report were gone over again and again, sometimes with feeling on the part of the ministers, but in the end the tone became friendly and in a certain degree

pathetic. The ministers dwelt repeatedly upon "the peaceful disposition of China," upon "French aggressions," upon "the duty of foreign friendly powers to show their regard for China by an active interference," and that upon no nation did this duty devolve more strongly than Great Britain and the United States. The China trade had made these friendly powers rich, and now why should China be abandoned, and not only abandoned, but, when China proposed to defend herself, be assailed by friendly powers?

It was difficult to enter upon these arguments, or, at the same time, to refrain from doing so. I said, however, that if their excellencies wished to seek a reason for their helplessness in presence of a supposed foreign enemy, it would be found, perhaps, in the failure of the Imperial Government to avail itself of those agencies which are so highly developed in our western civilization, and upon which western nations depend for development and self-protection. There was no time to enter upon that, however, and Mr. Young merely advanced the suggestion as a reply to any reproach that could be visited upon the neutral powers for their apparent apathy and indifference. We could not change the laws of nations or the relations between nations to meet an emergency in the affairs of China for which we were not responsible. And if, as I sometimes fancied, the diplomatic policy of the yamên was to put some stress upon the neutral powers, in the hope of awakening alarm as to the probable effect war might have upon their trade, in the hope that from that alarm intervention might come, I could imagine no more useless proceeding.

The ministers asked Mr. Young if he would present their views to his British and German colleagues, and trusted he would impress upon Sir Harry Parkes and Count Tattenbach the fact that what they had done in Canton was in no sense unfriendly. They wished very much to retain the friendly regard of those ministers, and hoped Mr. Young would so present their case as to strengthen their friendship.

Mr. Young said this was hardly necessary. He knew of no two ministers who had friendlier feelings toward China than his colleagues. Mr. Young would report to them what had taken place, and as his report would be discouraging and unsatisfactory, their excellencies would soon have an opportunity of meeting the representatives of Great Britain and Germany in person. Mr. Young brought the interview to an end by saying that he would telegraph the substance of what had been done to his Government, and await instructions before venturing further observations.

JOHN RUSSELL YOUNG.

[Inclosure 2 in No. 350.]

Memorandum of interview.

JANUARY 15, 1884.

Sir Harry Parkes, accompanied by Messrs. Hillier and Everard, called by appointment at the yamên, and was received by the ministers Ch'en, Wu, and Chang.

Sir Harry Parkes explained to their excellencies that, as he had mentioned in his letter asking for an interview, Mr. Young, the United States minister, had informed him of what had passed at his visit to the yamên on the previous day, and in consequence of their excellencies' remarks on that occasion he had felt it his duty to call and clearly explain to them on his part that in obstructing the navigation of a treaty port in time of peace the Chinese Government were taking a step which was illegal, unnecessary, and injurious to the interests of friendly powers.

Chang-ta-jên, who was the chief speaker throughout the interview, said that he had hoped that the explanations given to Mr. Hillier when he called at the yamên on the 12th instant, together with their conversation of the previous day with Mr. Young, would have been sufficient to have placed Sir Harry Parkes in full possession of the views of the yamên upon this subject. Before proceeding to any further discussion of the question he would like to ask Sir Harry Parkes whether the object of his present visit was to obtain further information or to find fault.

Sir Harry Parkes replied that he had come to tell the ministers that the step taken by the viceroy at Canton was illegal in itself, was useless as a defensive measure, and was injurious to British and foreign interests generally. It was illegal because no country had a right to close her ports except in case of war, it was useless because it was a most imperfect means of defense, and it was injurious because one port had been completely closed and the access to another had been considerably obstructed.

Chang-ta-jên rejoined that it could not be illegal for China to take measures for her own safety. In the face of all that had occurred it was incumbent on the Government to make preparations for threatened aggression by the French, and it was difficult to say that France was not at war with China, though no formal declaration of war had been made. China herself was loath to declare war, for she was not prepared to assume the offensive against France, and it was to be assumed that it was not the

wish of neutral powers that she should do so; but the action of the latter in Tonquin and their intention to seize Hainan, Formosa, Chusan, and other places in China, as telegraphed by the Marquis Tsêng and communicated from other sources, were sufficient to justify the assumption that France intended to make war on China. The previous conduct of France did not entitle her to being credited with respect for international law, and it was always possible that she might make a sudden descent upon Canton. It was to guard against such a descent that the precautions complained of had been taken by the viceroy of the two Kwang provinces.

As regarded the legality of the measure, the yamên maintained that as trade was not obstructed, but only slightly impeded, the Chinese Government could not be accused of blocking the ports. The Whampoa Channel was required for torpedo practice, and the Chinese Government was justified in barring it to foreign ships on this ground alone. Apart from this consideration, the viceroy at Canton was in supreme command, and the yamên could not interfere with any arrangements he might see fit to make as a protection against invasion. The powers of a military commander-in-chief in China were necessarily large, as he might have to answer with his life for any error of judgment or tactics. Sir Harry Parkes would readily perceive that if the yamên were to interfere with his arrangements, the viceroy might, reasonably or not, attribute his failure to their interference. They could not, therefore, take upon themselves to fetter his action so long as he did not infringe the treaties, which they considered he had not done.

As regarded the injury done to foreign interests, while they maintained that this was not at present grave, the ministers considered that the Chinese Government was entitled to some consideration. The subjects of friendly powers in China might justly be expected to share in her fortunes and reverses, and it was simply out of consideration for foreign interests that access to Canton had not been entirely shut off.

Sir Harry Parkes considered that the yamên were bound to interfere precisely because the viceroy was infringing the treaties—he did not say intentionally, but from a mistaken view of his duty—and it was to the central Government that the British Government must look for a rectification of the mistake. Torpedo practice could not be assigned as a justification of the measure, as that practice could be carried on elsewhere without injury to foreign interests. He was fully alive to the difficulty that the Chinese Government was placed in, but he was bound to point out to them that their difficulties would be increased by persistence in a course which was useless as well as injurious. The blocking of rivers was an obsolete measure in modern warfare. The main defenses of the Canton River were practically those at the entrance at the Bogue, and it was there that precautions ought to be taken. If defenses were required within the course of the river between the Bogue and Canton, these need not involve the obstruction of that limited portion of it which formed the port of Whampoa. A point two or three miles above the one chosen by the viceroy would have been as effective for defense and would have left the port free. The ministers must be aware of the friendly intentions by which the British Government were actuated, sentiments which, he might add, were shared by Germany and the United States, but he could assure them that if the Chinese Government persisted in inflicting avoidable injury on foreign interests, the sympathy of neutral powers in this unfortunate difference would be alienated from China and proportionately transferred to her opponent.

Chang-ta-jên having asked whether he understood Sir Harry Parkes to say that there would be no objection to the channel at the Bogue forts being blocked, his excellency was told that there was no necessity to block that or any other channel open to foreign navigation unless war were actually declared. The blocking of a port was a destructive, not a defensive measure. The passage of the Bogue or any other passage could be closed by torpedoes in a few hours, but all passages open to international commerce should certainly be left open until a state of war had been proclaimed, and no nation could assume the offensive previous to a formal declaration of war.

This, said Chang-ta-jên, was the very point he wished to arrive at. If China could be certain that France would be guided by the laws of war in her future action, and an authoritative assurance could be obtained from any quarter that France would not attack without due notice, Chang-ta-jên would promise, on his own responsibility, that the obstruction at Canton should be removed.

Sir Harry Parkes having observed that the minister could not expect to receive such an assurance from himself, went on to say that in pressing his contention he was influenced by the consideration that there was a grave principle involved. What was done at one port might be done at others, and thus the large commercial interests of Great Britain and other neutral powers in China might at any moment be jeopardized.

Chang-ta-jên rejoined that the neutral powers ought to address themselves to France, who was responsible for all the inconveniences to which they were or might be put, and they should bring their influence to bear to effect a settlement of the question

at issue. His excellency knew, he said, of the existence of a secret compact between the neutral powers to protect the treaty ports in case of war.

Sir Harry Parkes was ignorant of any such compact as that referred to by Chang-ta-jên. The only compact that he had any knowledge of was an understanding between four powers to co-operate in the protection of their respective subjects and citizens at the treaty ports—protection, it should be observed, against aggressive acts on the part of the Chinese populace, not against the action of a belligerent. The ministers might be satisfied that as soon as France took any illegal step which was prejudicial to British interests a protest would be at once made. So far no such action had been taken by France; and in any case such a protest would be addressed to the French Government direct, just as Sir Harry Parkes's present protest had been made direct to the Chinese Government.

Chang-ta-jên had referred to the influence that the British Government could bring to bear in inducing the French to come to some understanding about the question at issue. The ministers of the yamên must surely remember that they had distinctly declined to accept the good offices of the British Government when these were offered to them four months ago, a fact which Sir Harry Parkes greatly regretted at the time.

The ministers at first denied all knowledge of any such offer having been made, and declared that the Marquis Tsêng had never reported the particulars of his visit to Lord Granville and the conversations that had taken place at Walmer Castle with reference to Tonquin affairs, but they eventually receded from this position and said that Chang-ta-jên's reference to the influence of the British Government was not meant to imply mediatory action, but a recommendation to France to abandon the untenable position she had assumed.

The conversation above reported was continued for over two hours, the Chinese ministers repeating again and again that they were justified in taking the step which was complained of, and meeting Sir Harry Parkes's reiterated protest with a denial of the justice of his arguments.

Sir Harry Parkes finally informed their excellencies that, having said all that there was to be said on the subject, he must beg them to make a note of his formal protest against the action of the viceroy at Canton, and to remember that this protest had been made if that action should entail the serious complications he apprehended. He should consider it his duty to report to Her Majesty's Government, by telegraph, that one approach to Canton had been completely blocked, another partially so, and that the anchorage at Whampoa had been closed to foreign vessels; that this measure was not only seriously detrimental to mercantile interests, but that it was also useless as a defensive precaution and was unjustifiable in a time of peace.

Chang-ta-jên replied that the yamên would also telegraph to the Marquis Tsêng instructing him to lay the state of the case before Her Majesty's secretary of state for foreign affairs. His excellency produced a telegram from the viceroy at Canton to show that the latter had already informed the Marquis Tsêng by telegraph of the action it was proposed to take, and he asked Sir Harry Parkes to add to his telegram the answer of the yamên to his objections. This answer was in sum that one channel of the Canton River was blocked as a precaution against the enemy, one channel was left open for purposes of trade. France was on the verge of making war on China, as was proved by the reports telegraphed by the Marquis Tsêng to the effect that the French proposed to seize Hainan, make a descent on Kwangtung (Canton), and take possession of Formosa, Chusan, and other places.

Sir Harry Parkes asked on what authority the Marquis Tsêng had reported these alleged intentions. He (Sir Harry Parkes) had seen rumors to this effect in the newspapers, but he thought that these reports should not be accepted as fact on the authority of newspaper statements alone.

The ministers replied that the Marquis Tsêng might have been influenced by what he had seen in the French press, but, taking his reports in connection with what they had heard from other sources, the ministers considered there was some foundation for the intentions attributed to the French. Of course Sir Harry Parkes would regard this information as confidential.

After some further discussion Sir Harry Parkes assented to add the substance of the reply of the yamên to his telegram, but urged that the ministers should fully explain the grounds of their action in their instructions to the Marquis Tsêng, for communication to Her Majesty's Government. He warned their excellencies that Her Majesty's Government, as far as he could judge, would not regard their action in this matter as satisfactory, and the ministers must kindly remember that he had been guided by a most friendly spirit in advising them to abandon a line of action which was calculated to be of no service to themselves, and which, as he believed, would add considerably to their embarrassments.

[Inclosure 3 in No. 350.]

GERMAN LEGATION,
Peking, January 16, 1884.

The imperial chargé d'affairês paid a visit to the tsung-li yamên to-day, accompanied by Mr. Arendi, interpreter to the legation, and found there present the ministers Chen-lan-pin, Wu-ting-fên, and Chang-pei-lun. He informed the ministers that, according to news which had reached him from the German consulate at Canton, the governor-general there had ordered the closing of the northern branch of the river leading to Canton, whereby the sailing-ship anchorage at Whampoa will be entirely cut off from communications. He held that the governor-general was not legally authorized to close a port which was open by treaty. He therefore found himself obliged to protest against this measure, and to intimate that the Chinese Government would be held responsible for any injury which might thereby accrue to German subjects.

Chang-pei-lun replied that, according to the view of the Chinese Government, the responsibility for the effects of the step which the viceroy had notified, a step which was certainly unusual in time of peace, attached not to China, but rather to France, which had, without declaring war, committed, and was continuing to commit, a number of acts against China which were hostile and only admissible in time of war. Under these circumstances it must at least be allowed to the latter power to defend herself against further attacks on the part of France, and to take at once the precautionary measures which were imperatively necessary, for who could tell whether France might not suddenly make an attack upon Canton, even without a declaration of war? Moreover, continued the minister, the proposed measure would not hinder navigation, or would only do so to an insignificant degree; it would be only transitory, and could, in fact, be regarded in no other light than perhaps the temporary closing of a street in need of repairs, which also momentarily caused slight inconvenience. The minister then laid before the imperial chargé d'affaires a copy of the telegram which he said the yamên had received from the viceroy of Canton with reference to the measures in question.

The minister pointed out that, according to this telegram, obstruction to navigation did not appear to exist. Be that, however, as it might, precautionary measures were demanded for Canton much more urgently than elsewhere—on the one hand, because of the neighborhood of the coast of Annam, whence the French fleet could reach Canton in a few days, and, on the other hand, in view of the question which was openly debated in the French press as to the advisability of occupying Chinese territory, for example, the island of Hainan, as a guarantee for a war indemnity to be paid by China.

The imperial chargé d'affaires replied that it was far from his intention to contest the right of China to take those measures which seemed necessary for the defense of her frontiers from a possible hostile attack. But it appeared to him that the defense of Canton especially could be sufficiently prepared by other means, without its being necessary to interrupt navigation. The Chinese Government must perceive that by interrupting navigation at Canton in time of peace and without necessity they might easily offend the neutral powers, the more so that the treaty powers would not be able to divest themselves of the apprehension that as Canton was closed to-day, so to-morrow other ports more important to commerce would be closed without sufficient reason. He therefore begged the ministers to send instructions to the viceroy of Canton to make the measures for military defense accord with the just claims which the treaty powers were entitled to make with reference to the non-obstruction of trade and navigation.

Chang-pei-lun replied that as the viceroy was answerable for the defense of Canton, the tsung-li yamên could not give him any directions without burdening themselves with a responsibility which could not be incurred without the gravest hesitation. He would candidly avow that had he been viceroy of Canton he would have preferred not to resort to the measure under discussion. The tsung-li yamên would indeed agree to go so far as to make a representation to the viceroy in the sense that they would submit to his consideration whether it were advisable to raise up three enemies, in addition to the one which existed already, by certain measures, although more or less warrantable under the circumstances. But the yamên could neither themselves give an order to arrest the proposed measures nor could they memorialize the throne with a view to obtaining such an order, for in case Canton were really lost the yamên would in that event be properly chargeable with the blame.

With regard to the other ports besides Canton, he would give an assurance that the Chinese Government did not at present contemplate closing them. Should, however, similar precaution become necessary at other places, every imaginable regard would be paid to the interests of navigation and commerce. The uninterrupted continuance of trade was in fact of the greatest importance to China, for the latter, as he would frankly confess, was more than ever in need, in these hard times, of the

duties paid by foreign trade. Should, indeed, added the minister, the neutral powers be willing to induce France to declare that she would not attack the Chinese ports, China would not hesitate on her part to give a formal declaration binding herself not to obstruct trade and navigation in any of the open ports.

The imperial chargé d'affaires answered that he was not in a position to discuss this point, upon which Chang-pei-lun remarked that his suggestion was only made in jest.

Chang-pei-lun then continued that China had no intention of declaring war against France. If, however, China were prohibited from taking the necessary precautions, she might be driven to a declaration of war. It was, indeed, useless to think of coming to an amicable understanding with France so long as the latter did not put a stop to her hostile action in Tonquin.

Chang-pei-lun then gave a new turn to the conversation by thanking the imperial chargé d'affaires, in the name of his colleagues, for his friendly attitude, but at the same time gave expression to his concern that Sir Harry Parkes appeared to consider the affair from a harsher point of view than the imperial chargé d'affaires or the American minister. The telegram which Sir Harry Parkes had intended sending to his Government was very strongly worded and had contained, among other things, the expression that the Chinese Government had closed the port of Canton without reason, when war did not exist. The yamên has requested Sir Harry Parkes rather to express it that the Chinese Government, in a moment when war might at any moment break out, had found itself obliged, &c. The dispatch of any telegram at all by Sir Harry Parkes on this question was indeed highly unsatisfactory to the yamên. Perhaps it might even be yet possible to induce Sir Harry Parkes to renounce his intention of sending the telegram. Would it not be feasible, at any rate, for the imperial chargé d'affaires, in conjunction with Mr. Young, to talk it over with Sir Harry Parkes, and endeavor to induce the latter to take a milder view? In this case it would be agreeable to the ministers to meet Sir Harry Parkes, Mr. Young, and the imperial chargé d'affaires together, which would serve the purpose of removing any unsatisfactory feeling in connection with the subject under consideration.

The imperial chargé d'affaires expressed his willingness to communicate the substance of the conversation which he had had to-day to Sir Harry Parkes, and to verbally inform the yamên of the result of his conference with the British minister.

[Inclosure 4 in No. 350.]

Viceroy Chang to Her Majesty's consul.

JANUARY 8, 1884.

SIR: I have the honor to inform you that I am in receipt of the following representation from the members of the central board of military affairs for the province of Kwangtung:

"We have respectfully to observe that two defense camps having now been established on the Canton River at the port called Pak T'u Kong [eastern part of Dane's Island], means must be found of effecting free communication between them across the river, for the convenience of traffic. Further, a torpedo establishment having been set up at Whampoa, where torpedo practice is constantly carried on, means should also be taken for blocking the passage of the river at this point, in order to prevent injury to vessels from striking against the torpedoes on their passage up or down. After consultation with General Wu, commanding the Huai force, it has been proposed to construct a wooden bridge for the passage of the troops over the river between a point near the west ridge of Pak T'u Kong and Sha Lu [south bank of Dane's Island and opposite bank].

"As, however, there is continuous traffic of junks at this point, and the greater part of the foreign steamers entering the Canton River also use this route, it is proposed to leave a passage 6 or 7 chang in width (60 or 70 Chinese feet) in the middle of the bridge, where the water is deep, for the convenience of such vessels.

"The route by Whampoa has not hitherto been employed by the larger foreign vessels coming up or going down the river, and since torpedo practice is now constantly going on, the free passage of the river there cannot but be barred, in order to prevent accidents to the shipping. Accordingly, after consultation with Major Huang Ch'un Yo, in command of the commissioned junk fleet, it has been arranged that the whole breadth of the river from Tû Chu (Louisa Island) and T'ou Sha (Flat Island No. 4) shall be completely closed and access barred by a vessel stationed on the spot, and other impediments, with a view to preventing damage being done to vessels by the explosion of torpedoes.

"The various communications and instructions having been issued, it is our duty to

draw up a representation on the subject, requesting that orders may be given that the various defense corps on land and water be duly informed, and also that communications be addressed to the members of the consular body, in order that they may notify all steamers that such vessels must, when ascending the river, use the Sha Lu route, that they must avoid collision with the wooden bridge, and must no longer use the route by Tû Chu (Louisa Island), in order to avoid injury."

Accordingly, on receipt of the foregoing, I have sent out the necessary communications, and have now the honor to address a request to you that you will give instructions to steamers belonging to subjects of your flag to conform to the above.

I have, &c.,

———.

[Inclosure 5 in No. 350.]

Prince Kung to Mr. Young.

PEKING, *January* 25, 1884.

His imperial highness Prince Kung, chief secretary of state, herewith makes a communication.

His imperial highness Prince Kung and the ministers of the yamên present their compliments to his excellency Mr. Young, the American minister, and beg to make this communication.

His imperial highness has received a telegram from the viceroy of the two Kwang provinces, Chang-ta-jên. In this the viceroy informs his imperial highness that, regarding the proposed experiments in torpedo warfare, which it is proposed to practice in the Canton River, so long as there were no actual hostilities there would be left a space of over 100 feet for the convenience of vessels entering and leaving the port.

The viceroy also says that the admirals and consuls agree that the proposed arrangements for torpedo practice do not affect the convenience of commerce.

Cards and compliments.

[Inclosure 6 in No. 350.—Telegram from the governor-general.]

CANTON OBSTRUCTION OF PORT.

Ministers of the yamên to Sir Harry S. Parkes.

Semi-official, No. —.] JANUARY 23, 1884.

The ministers of the yamên present their compliments to Sir Harry Parkes, and have the honor to inform him that they received yesterday a telegram from Chang-ta-jên, governor-general of the two Kwang provinces, informing them, with reference to the torpedo practice, that *while nothing occurred** there would be a space of over 100 feet [left] for the convenience of steamers and sailing vessels entering and leaving [the port†]. Neither the commander-in-chief [? admiral or admirals] nor consul [or consuls] had made any dissentient remarks.

There was really not the slightest injury whatever to mercantile interests.

Usual compliments.

No. 39.

Mr. Young to Mr. Frelinghuysen.

LEGATION OF THE UNITED STATES,

No. 387.] *Peking, March* 21, 1884. (Received May 5.)

SIR: I have the honor to inclose, for your information, a correspondence between the legation and the consul at Canton.

*I. e., no trouble with France.

†Of Whampoa? Ministers believe Whampoa is meant; "sailing vessels" appears to indicate this.

It is a gratification to know that the cases at issue have been adjusted to the satisfaction of the missionaries whose rights had been in peril. I could not, however, refrain from expressing the shadow of a regret that the settlement did not, in addition to the money payment, carry with it a guarantee from the viceroy that efforts would be made to deter the lawless people from further outrages. Such a guarantee I would have found in the arrest of the principal offenders and the issue of a proper proclamation.

As, in reference to the Ngchow case, I received from Prince Kung, in August, an assurance that orders had been sent to arrange it on terms satisfactory to the legation, and as I now learn from Mr. Seymour that the question remains in abeyance, I have sent him a copy of the prince's dispatch and requested him to confer with the viceroy.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in No. 387.]

Mr. Seymour to Mr. Young.

No. 63.] MARCH 3, 1884.

SIR: I have the honor to inform you that several matters involving claims of American Presbyterian and native Baptists, or American Baptist, missions, for losses sustained at the hands of Chinese mobs, have been satisfactorily adjusted, and will no longer encumber this consulate or the United States legation with correspondence or negotiations for settlements.

The first one to which I will refer was the case of outrages by the Chinese mob against the mission and missionaries and native members and attendants of the American Presbyterian mission at Chik Hom, where a small loss, of about 33 taels, occurred, but where the American missionaries were rudely treated, and where the native friends of that mission were persecuted with much cruelty and brutality. The disturbance was in June, 1883.

References to this case were made in my August (1883) correspondence lists. Under date of August 1, 1883, I mentioned having received a statement of these outrages at Chik Hom, from Rev. H. V. Noyes, who, with Rev. B. C. Henry, had full knowledge of the occurrences which I forwarded to the grain intendant (August 4, 1883), who gave the business prompt attention.

The troubles of August and September in Canton temporarily overshadowed the Chik Hom affair; but with reasonable promptness appropriate proclamations were made by the authorities in the vicinity of the Chik Hom mission, and early in October the chapel was reopened and the missionaries notified by the local magistrate of a desire to make full restitution, which was duly made to the satisfaction of the friends of the mission.

In December, 1883, considerable wrath was manifested in Canton and surrounding country against foreigners and Christians, and there seemed to be simultaneous acts on the part of the natives indicative of a strong purpose to demolish all missions.

The week of the imperial commissioner Pang's arrival in Canton, with several regiments of soldiers from Northern and Central China, and the publication and circulation of many thousands of Chinese documents, purporting to have been issued by that high official, with the sanction and approval of the Emperor, against foreigners, is memorable. That was in the first week of December, 1883, and will long be remembered by all who witnessed the excitement among the natives and anxiety among foreigners.

The churches, chapels, and missions of all denominations and nationalities, as well as the property of all foreigners, were in jeopardy until the Chinese authorities (at the urgent suggestion of the United States consul, in advance of the united action of the consular corps, whose services were in requisition by foreigners of various nationalities) took vigorous measures to counteract the serious measures and effects of an ill-advised proclamation, which has never yet been repudiated, although its circulation has been declared "unauthorized."

The only religious establishment which was actually injured in Canton at that time was the "Preaching Hall" of native Christians, in connection with the American

Baptist missions, and that has been repaired, reopened, and occupied, without further troubles or threats.

Proclamations from the viceroy and the Hanhoi magistrate, as well as from the imperial commissioner, and military protection, assured all concerned that such atrocities as the destruction of chapels and the molestation of foreigners by natives would not be permitted by the authorities.

Numerous other chapels, that had been closed for several days under threats from the populace, were reopened under assurances of protection by Chinese officials.

While matters were quieting down in Canton, the excitement of the first week of December in this city had extended into the country.

At Sheklung (about 60 miles east of Canton) the American Presbyterian missionaries, Rev. B. C. Henry and W. J. White, of Canton, were holding religious services with the members and friends of the mission at that place, on Sunday, December 16, 1883, when a native mob assaulted the chapel and the missionaries and persecuted the native Christians, until the chapel was unfit for use and the missionaries fled to save their lives. After the outrages against the American Presbyterian mission had been perpetrated, the Chinese mob proceeded to the French Roman Catholic mission and destroyed its chapel and the buildings occupied by the priests and leading members of the Roman Catholic Church, whose priest was conveyed for safety by a mandarin's boat to Canton, to which place the American missionaries and a native preacher in the employ of the Berlin mission went for safety. Considerable personal violence occurred.

A reference to the letter-lists of this consulate will show I laid the Sheklung case before the viceroy December 17, 1883, and before the United States legation in No. 45, dated the 11th January ultimo, eliciting due attention.

I have the pleasure of stating that a military officer from Canton last week went to Sheklung and paid up in full all claims for indemnity, the American Presbyterian mission receiving $370.

The claim of and indemnity to the Roman Catholics amounted to about 3,000 taels. The French consul in Canton has no advices of payment yet, but the money is ready, as Rev. Mr. Noyes, American Presbyterian missionary, informs me.

Please take into consideration the fact that the settlement of the several claims herein stated by remittance through the official channels (legation and consulate) could not have been accomplished without prolonged negotiations and circuitous processes and ways, involving months or years of delay, or interruption or suspension of missionary labors.

Apart from such inconveniences to all immediately concerned, it is very evident that the moral effect of prompt settlement for damages, and early resumption of missionary work, is greatly to the advantage of those who are engaged as missionaries and preachers or co-workers in religious organizations in China.

If it is possible to bring that Ngchow case to a final settlement, it is very desirable that it may be settled; for no attempt can be made to resume missionary work at Ngchow while the unfriendly natives indulge the prevalent idea that destruction and pillage of chapels, dispensaries, and dwellings occupied by foreigners and missionaries is cheap sport.

The viceroy Tseng, while here, did not act upon any case that was brought before him touching interests of foreigners, except in the admirably prompt suppression of the Honam (South Canton) riot in August, 1883.

The present viceroy, Chang, does not seem to be inclined to procrastinate, but acts more promptly.

Having reported the Ngchow case to the legation and to the State Department, and been informed by the latter that it had been placed in the hands of the United States minister for settlement, I do not feel at liberty to interfere with it, especially as I went through a long siege in regard to it, and completely exhausted or upset their subterfuges as to provocation, all of which has been set forth fully in my No. 19, dated May 15, 1883, and its inclosures, including correspondence between this consulate and the viceroy. There is positively no defense.

Affixed is a letter from Rev. H. V. Noyes in regard to the settlement of the Sheklung affair, and designated A.

Affixed also is an extract from the annual report of the American Presbyterian mission in Southern China, as per copy sent to this consulate by the secretary, Rev. W. J. White, and marked B.

Hoping what has been done will meet with your approval,

I am, &c.,

CHARLES SEYMOUR,
Consul.

A.

Letter from Rev. H. V. Noyes, one of the veterans of the American Presbyterian mission in Southern China, to Mr. Seymour.

CANTON, *March* 3, 1884.

SIR: I have much pleasure in reporting to you that on Friday, February 29, at Sheklung, I received from the Chinese military official Tongon-Pang, $370, being amount in full of indemnity claimed for losses at the Sheklung chapel incurred at the time of the mob there on the 16th of December, 1883.

In behalf of the mission to which I belong, as well as myself, I wish to express warm thanks for the prompt and efficient manner in which you dealt with this matter, thereby securing so speedy and satisfactory a settlement.

H. V. NOYES.

B.

Copy of a section of the report of missions in Canton and Southern China adopted at the annual meeting of the American Presbyterian missionaries held in Canton February 19, 1884, *and mailed to their board in America per steamer of* 21*st ultimo, as per copy sent to the United States consulate in Canton by the secretary of the American Presbyterian mission.*

"At one time the chapels were threatened by a mob, and would doubtless have been demolished but for the prompt and independent action of the American consul, the Hon. Charles Seymour; and the mission takes this opportunity of expressing its high appreciation of the efficiency of this worthy officer of our Government in thus exerting himself, without being importuned, for the protection of mission property."

W. J. WHITE.

[Inclosure 2 in No. 387.]

Mr. Young to Mr. Seymour.

No. 75.] MARCH 20, 1884.

SIR: I have the honor to acknowledge your dispatch No. 63, dated March 3, 1884, in reference to the action of the consulate in securing from the Chinese authorities a proper compensation for injuries inflicted upon the missionaries by Chinese mobs.

It is a gratification to know that by your energy and skill you have received this compensation. So long as the gentlemen in the missionary work are satisfied with what has been done by the Chinese authorities, there might be reasons why it would be well to let the matter rest. It seems to the legation, however, that in these questions we have to consider not alone indemnity for the present, but security for the future. The mere payment of sums of money enough to cover the actual losses of the missionaries may, as the legation can well see, satisfy gentlemen who look upon these acts of violence with a gentle, forgiving spirit, and are disposed, from the traditions of their faith, to welcome rather than deplore any experience that may entail suffering in defense of their faith. But while this sentiment merits our respect, and, I might even say, reverence, embarrassments must arise from a policy which taught the Chinese to believe that a money indemnity would satisfy the Government for a wrong done to its citizens.

When, as was seen recently within your consular jurisdiction, there was a riot stimulated by causes for which the Chinese were not to blame, and which the authorities strove to suppress, I believe that the Chinese Government was entitled to leniency and consideration. The causes were a part of the case, more specially as the causes involved acts of murder. But after reading the papers to which your dispatch refers I can see no extenuating circumstances. While I recognize that the authorities in Canton have made reparation in a pecuniary sense for the outrages of the mobs, I do not think that the safety of our citizens can be assured unless, when cases of this kind arise, something is done that will, as far as lies within the power of the authorities, prevent a repetition of similar outrages.

Having accepted the awards of the authorities as a full satisfaction for the losses of the missionaries, I am afraid it would serve no practical result to reopen the question now, and especially at a time when the public temper of Canton is in a state of abnormal excitement and the authorities are burdened with special cares. This, however, I must leave largely to your discretion; but in your conversation with the vice-

roy and other officials you may say that it is a matter of regret to the legation that steps were not taken to deter the unruly spirits who comprised the mob from similar outrages. Proclamations should have been issued pointing out the gravity of the offense, and especially that American citizens are alike under the protection of the laws of China and the treaties.

Should you have any other questions of this nature, I beg you to keep in mind these considerations in your dealings with the authorities.

I am, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 3 in No. 387.]

Mr. Young to Mr. Seymour.

No. 76.] MARCH 20, 1884.

SIR: As a further reference to your dispatch No. 63, I have the honor to send you a copy of a note received in August last from his imperial highness Prince Kung. In this you will note that orders had been sent by the cabinet to Canton giving directions for the settlement of the Ngchow affair.

I note from your report that it has not been adjusted. I have to request you, therefore, to present the viceroy with a copy of this dispatch and ask him the exact condition of the negotiation. You may also express your regret that orders issued in August by the cabinet have not been carried out in a manner which you, the representative of American interests in Canton, have the right to expect and demand.

I am, &c.,

JOHN RUSSELL YOUNG.

[Inclosure in No. 76.]

Prince Kung to Mr. Young.

Informal.] AUGUST 19, 1883.

YOUR EXCELLENCY: Some time since I received a dispatch from your excellency in regard to a chapel at Ngchow, in Kwanghsi. I at once instructed the provincial authorities concerned to investigate the business, and so informed you.

I am now in receipt of a report, in which it is stated that a Cantonese of the Rao Yao district, named Fang Chun Chang, came in an irregular manner, and without credentials, to Ngchow to preach. He also loosely asserted himself to be a physician and caused the death of several persons by malpractice. The anger of the populace was in consequence excited and the residence of Fang was destroyed. The acting magistrate at once sent a force of soldiers to repress the riot and preserve order. An investigation developed the facts recited above, and nothing was said about any losses. On account of Fang's character as a preacher, the magistrate was desirous of protecting him from all harm, and had him escorted in a boat outside the limits of the district.

Thereafter Fang Chun Chang returned, bringing with him two Americans, Messrs. Simmons and Noyes, who declared that property to the value of 160 taels was lost at the time the house was torn down by the mob, and they asked payment to this amount, and that the house be rebuilt for preaching purposes. They also stated that the person who caused the deaths by malpractice was a different person from Fang; his name was Chang, and he had been sent there by the missionaries. Another mob arose, but the magistrate in person led a force to repress it. Learning that the missionaries desired to proceed to the Feng district, the magistrate escorted them on their way. Fang Chun Chang went with them, and they did not return to Ngchow. Positive orders have been issued for the settlement of the business, &c.

In this case since it appears that a Chinese subject named Fang Chun Chang falsely pretended to be a preacher and caused the death of several persons, and thereafter imposed upon the foreigners by means of false and malicious statements, the matter must be thoroughly sifted to the bottom, that justice may be done.

The yamên has ordered the provincial authorities to arrest Fang Chun Chang and to make careful examination and settle the case.

Cards and compliments.

No. 40.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 398.] LEGATION OF THE UNITED STATES,
Peking, March 28, 1884. (Received May 19.)

SIR: In my dispatch No. 297, dated November 30, 1883, I informed the Department that I had on that date sent a circular note to the gentlemen in our consular service asking them to send me certain information in reference to the petroleum trade in China during the year 1883, an more especially as to whether there was any renewal of efforts on the part of the authorities to suppress the trade by repressive proclamations.

I have received reports from all the consulates with the exception of Amoy. * *

It was my duty to address special instructions to Mr. Wingate, at Foo-Chow, and Mr. Seymour, at Canton, expressive of the views of the legation as to special circumstances which had arisen within their jurisdiction.

Certain facts appear which I may venture to summarize.

Mr. Cheshire sends a valuable table showing, as a part of the movement of petroleum in Shanghai, the import of oils into open ports chiefly supplied from Shanghai during the year 1883. From this it appears that there has been an increase at Tien-Tsin, Kiu-Kiang, Hankow, Wuhu, and Chin-Kiang; a decrease at New Chwang, Chefoo, Ningpo, Wênchow, and the country around Shanghai. The increase amounts to 101,944 gallons, the decrease to 62,997, showing a net increase of 38,947.

These figures can hardly be accepted as a test, although, as Shanghai is an important distributing point, they have value. Mr. Cheshire has not had occasion to complain of the proclamations against the use of petroleum in Shanghai, which gave Consul-General Denny so much annoyance. The authorities have learned to welcome the oil in a liberal spirit; but by the lekin system, which adds so many embarrassments to internal trade, the sale has been diminished. The local authorities in the country around Shanghai levy a tax of 5 cents on each case passing into the interior, a tax which until recently has never been imposed. In spite of this temporary interruption, Mr. Cheshire notes the gratifying fact that the trade during the past six years shows a steady advance.

From Tien-Tsin, the most important city in Northern China, and in which might be included Peking, we learn that in 1883 398,340 gallons were received. This is a large gain over the import of 1882, namely, 284,130. In 1882 Tien-Tsin showed a falling trade, in 1883 a rising trade. Mr. Pilcher notes a large import in native junks, the amount of which does not appear in the customs returns. He estimates it, however, as in value about one-fifth of the whole. In Tien-Tsin the oil is mainly a re-exportation from Shanghai. I think it would be an advantage to the petroleum interest if the oil could be sent in bulk direct to Tien-Tsin; it would save the cost of transhipment in Shanghai, and enable the people to buy at a cheaper rate. I note also that the retail trade is largely in the hands of the Chinese shopkeepers. This I regard as an advantage. Mr. Pilcher points out the fact that while the native candles, made from mutton and beef tallow, can only be manufactured at a cost of 15 cents per catty, kerosene is sold at 6 cents per

catty. There is an economy in this fact which cannot fail to make a deep impression upon the thrifty Chinese mind.

From New Chwang, a small northern port, the legation learns that although Shanghai reports a decrease in the shipment, there has really been an increase in the trade of 1,715 gallons. This is a modest advance, but the Department will see that it arises from commercial apathy, and not because of the opposition of the authorities or any indisposition on the part of the people to use the oil. This is seen in the fact that while during last summer oil could be purchased at $2 a case, there is none now in stock, and the last retail price was $5.50 a case.

I regret to note that in Ningpo there has been a falling off of 188,470 gallons as compared with the return for 1882, which showed an import of 1,505,470 gallons, an increase of 49,279 gallons over the preceding year. When I wrote you in regard to petroleum in my dispatch No. 133, dated February 20, 1883, I alluded to the evil effect upon the trade of the antagonism of the authorities at Ningpo. As this antagonism, or at least any apparent evidence of it in the way of unfriendly proclamations or governmental intervention, had passed away, I was in hopes to hear of a large increase in the importations for 1883. Mr. Stevens does not explain this disproportion except upon the theory of commercial fluctuations. * * *

Mr. Bergholtz, the vice consul at Chin-Kiang, sends a lucid report as to the trade. I attach much importance to the condition of the business at these interior river ports, as thus we can measure its movement towards the central divisions of the Empire. Petroleum must depend for its stability and growth upon its general acceptance by the great mass of the people. Therefore much more is to be learned from the statistics of a small river port like Chin-Kiang than from a commercial emporium like Shanghai. Mr. Bergholtz points to the interesting fact that while in 1868 the import was only 90 gallons, in 1883 it was 389,090 gallons. And in looking over the valuable table of figures in which he shows the movement of the trade, you will see that the growth has been steady, the increase in 1883 over 1882 being no less than 131,090 gallons. Mr. Bergholtz reports the existence of wells yielding a bituminous product, an "oil that burns in water," and which comes from the salt-wells in such a quantity that sometimes as many as four or five jars of a hundred pounds each are collected in a day. This, to be sure, is a modest output, but it suggests the possibility that China in time will mine her own petroleum.

The importance I attribute to Chin-Kiang as a port showing the movement of petroleum towards the interior of China, and its gradual acceptance as essential to daily comfort by the people, will also apply to Hankow. Mr. Shepard's report is therefore entitled to careful study. When we look at the figures the advance is most gratifying—in 1882, 483,974 gallons; in 1883, 1,322,771, an increase of 173 per cent. A part of this Mr. Shepard attributes to the decrease in the supply of native oil, the crop of which was last year a failure. But while a better harvest of the vegetable native oils may limit our hopes for a continued advance, I hold it to be a controlling fact in the development of the trade in China that when once petroleum finds a place, becomes known to the people, and they appreciate its advantages and its economy, no native product will supplant it. Mr. Shepard makes the wise suggestion that "an illustrated popular treatise in Chinese would be of infinite service in making the nature, uses, and proper care of the article known, thus extending the demand."

Foo Chow has been unfortunate in its relations to the trade, and I

regret to learn from the report of Mr. Wingate that there has been a falling off in the import of 44,050 gallons in 1883, as compared with 1882. Even with this the importation was larger in 1883 than in any year, with the exception of 1882, since petroleum was introduced into China. The causes for this deficit are more to be regretted than the fact itself, for they show a determined opposition to the use of the oil on the part of the authorities. He reports the virtual subsidence of the panic of 1882, and that the proclamations against petroleum had become a dead letter. As a result of this he looked for a still further increase of the trade.

It unfortunately happened during the summer and fall of 1883 that there were several fires in Foo-Chow to be attributed to petroleum. The most disastrous was caused "by a man filling a kerosene lamp while it was burning. The oil ignited, the man, alarmed, threw the lamp into the open kerosene can, and the loss of a hundred houses and six lives followed." This and other fires less disastrous excited the "gentry" and the "literati," and proclamations were reissued, not to become a dead letter, as those of 1882, but to be enforced. So strong is this feeling that although in Foo-Chow, as in all other parts of China where petroleum has made its way, the people like the oil for its cheapness and brilliancy, and the shopkeepers because it is a steady source of business profit, the mandates of the authorities have been obeyed, as is seen in the falling off of the import and the sudden arrest of a flourishing trade. Mr. Wingate reports a fall from 160,000 gallons in April, May, and June to 2,800 gallons in October, November, and December—practically a destruction of the trade.

These facts have caused me much anxiety. * * * The tone of the proclamations which Mr. Wingate forwards shows that the panic, like other panics, was violent and widespread. "Kerosene means ruin!" "Kerosene is a fierce calamity!" "The benefit does not make good the harm!" "For those who offend there will be no pardon!"

The difficulties of the situation were not to be regarded without sympathy. There had been many fires; property had been destroyed, lives had been lost. Nor was a disaster of this kind and from a similar cause a new incident in Foo-Chow. The magnitude of the present calamity could not be underrated. Those who understand the customs of China can see how such a danger is possible. A dense population; small houses, fragile, easily burned; narrow streets; society without the knowledge or the organization to arrest a fire—in such a community a fire means far more than it does in our cities of brick and stone. We know from sad experience what fire can do with brick and stone.

I saw no reason for making representations to the yamên against these proclamations. They really belong to what might be called the commune system of China. As I discovered when the legation acted upon the representations of Mr. Consul-General Denny in 1882, there was no national policy of antagonism. * * * This view was strengthened by the remembrance that at Ningpo, Shanghai, and other points where there had been opposition it was silenced, that the trade showed a steady increase, and that it would be better to deal with Foo-Chow as an isolated case, and not accept counsels which found inspiration in a panic as in any way expressing the policy of the cabinet.

I requested Mr. Wingate to dwell upon certain points, and in dealing with the abstract question of petroleum to show that it was not as dangerous as gunpowder, which is one of the common elements in Chinese industry; and as the Chinese had learned to handle gunpowder with impunity, in time they would learn to do the same with petroleum. I

thought, on the other hand, that our merchants who deal in this oil should take pains to furnish as safe a grade as possible. I quite understand that an absolutely safe oil would be as useless as water, and that the quality of fire which generates light and heat, and which is the essential quality in a burning oil, is naturally an element of danger. No oil should be sent here that is not of as high grade as that sent to India and Japan. The merchants should take pains to develop their trade on broad and humane lines; and nothing would do more towards that than to adopt the suggestion contained in the dispatch of Mr. Shepard.

The petroleum interests at home have been well served by Mr. W. H. Libby, an American gentleman who came to Asia to represent the petroleum interest. Mr. Libby entered upon his work with intelligent enthusiasm, and in the many conversations and communications with which he has honored me seems to possess the true idea of pressing this most important interest in China. I attach much value to the work which that gentleman has done in China, and therefore deem it worthy of special commendation to the Department.

While an event like this at Foo-Chow has a disheartening effect, it is to be considered as among the incidents that attend the introduction of a new article to a conservative community. In a country where the people for ages have used vegetable and fish oils, whose artificial light forms a minor part in the domestic economy of the household—a people so little affected by change that you find among the coins of commerce pieces which were stamped before the Christian era, you must expect distrust when you propose any innovation, however slight. Such a thing is not altogether unknown in more civilized communities. I am convinced that in dealing with circumstances like those at Foo-Chow we must use patience and do what we can to persuade and instruct the people. The yamên would regard any application with indifference. It might arouse a different sentiment and lead to a general policy throughout the Empire that might add further obstacles to the trade.

In Canton there is a different state of affairs. The viceroy of the two provinces has farmed out the sale of petroleum to a Chinese firm or monopoly, and in order to strengthen the monopoly a special tax of 40 cents is imposed on each case. The imposition of this tax I hold to be a direct violation of treaty. As explained in my dispatch No. 297, dated November 30, 1883, I brought the subject to the attention of the foreign office in a note of that date addressed to his imperial highness Prince Kung. As an illustration of the delays attending the transaction of official business with the Chinese, although nearly four months have passed no reply has been received. I have made requests informally for an answer from the foreign office, but without avail. Ten days ago I sent Mr. Holcombe to the yamên to intimate that in my judgment the legation had waited long enough, and that it was time to have some expression of opinion from his imperial highness. I was informed that renewed orders had been sent to the viceroy at Canton to make a report, but that until that report was made the Government could not act. The close of navigation would naturally make communication tedious.

Mr. Seymour explains that he has not had a "favorable opportunity to resent the kerosene claim advantageously, on account of military operations, mobs, outrages, &c." While I recognized the burdens which had been thrown upon the Canton viceroy on account of the exceptional condition of affairs in the south, still it seemed that our patience had stood a sufficient test. I have, therefore, as you will note, requested Mr. Seymour to press the matter upon the attention of the viceroy.

I am not sanguine that these representations will be successful either

with the yamên or the viceroy unless the Governments interested are firm. The tendency of the central Government to permit the provincial authorities to manage financial affairs, taxation, raising of loans, and disbursements of money, so as not to embarrass the imperial treasury, makes it difficult to have a considerate hearing for any question of this kind. The answer will always come that the money is necessary for the government of the province. When the legation received the Ward claims, the money did not come from the Government, but from the war appropriations of Li. The Canton viceroy will pay the indemnity from local sources, loans in Hong-Kong perhaps, guaranteed by taxes on salt or some special monopoly. But while these are considerations which belong to the Government of China, and do not especially concern us, * * * in the case of the tax on the importation of petroleum our rights are clear and undoubted. As I went into this question at length in my dispatch No. 297 and in my note to Prince Kung, I shall not detain you by a repetition of the arguments therein set forth.

In my dispatch No. 297 I referred to the proposal of the Chinese authorities to adopt a series of rules for the government of the trade throughout the Empire. Sir Robert Hart informed me in conversation that the new rules would not go into operation until 1885, and that he had written to America for the fullest information, so that when the rules were made they would serve the best interests of the revenue and trade.

* * * * * * *

I have, &c.,

JOHN RUSSELL YOUNG.

P. S.—Since writing the above I find I was in error in saying that I had received no report from Mr. Goldsborough, our consul at Amoy. The report, which is hereby forwarded, was made with due promptitude, and was overlooked by me in preparing my inclosures.

The Department will note that there has been a marked increase in the import at Amoy, and that the trade since 1880 shows a slow but steady advance. It is a further gratification to know that, as reported by Mr. Goldsborough in January, 1883, there has been no attempt on the part of the authorities to interfere with the petroleum trade.

I have, &c.,

JOHN RUSSELL YOUNG.

No. 41.

Mr. Young to Mr. Frelinghuysen.

No. 407.] LEGATION OF THE UNITED STATES,
Peking, March 31, 1884. (Received May 19.)

SIR: In my dispatch to the consul-general, I requested him to obtain from the various consulates information as to the state of public opinion throughout China, especially in reference to the present abnormal condition of public affairs arising out of complications with France. The importance of this inquiry, considering that we have so many American citizens at the ports and at missionary stations in the interior, whose protection is the duty of the legation, will be apparent to the Department.

From reports which have been furnished in response to this suggestion it will be found that there is a warlike spirit in various provinces.

Mr. Stevens says that in Ningpo there is "a continuous preparation for war by those in authority." New forts have been built and old ones repaired. Mr. Stevens believes that the harbor of Ningpo will be a naval rendezvous for China in the event of a war. I note also that preparations to impede navigation at Ningpo are in embryo. Mr. Stevens estimates the number of soldiers as 16,000, but should necessity arise there might be 30,000. It is pleasant to note that the temper of the people towards foreigners is friendly and cordial.

Mr. Bergholtz informs the legation that all is quiet at Chin Kiang.

From New Chwang I learn in the report of Mr. Bandinel that there are important military movements.

At Port Arthur there are 6,000 troops, under a Mohammedan leader, well disciplined, strong, and free from opium smoking. Instructions have been sent to the Tartar general to raise 2,000 more, but the experiment seems to languish from the want of funds. There is no sentiment of ill will against foreigners.

Tien-Tsin, as the gateway to Peking, the most important commercial city in the north and the home of the viceroy Li, is worthy of special notice.

Tien-Tsin is the headquarters of serious military preparations, the functions of Li at this time being practically those of a lieutenant-general of the Empire. There are eight fortified camps, where are quartered 4,800 troops, one-half cavalry, the remainder infantry; an additional force of 3,000 is being raised. The enlistment system really amounts to a conscription, or it might be a levy *en masse*, something akin to the press gang which was in vogue in England during the last century. The term of service is not specified. The infantry soldiers receive $3.60 a month, the cavalryman $7.20, out of which he must provide for his horse. The soldiers furnish their food and clothing. They are armed with foreign guns and drilled according to western, I presume German, tactics.

Mr. Wingate does not note at Foo-Chow any special military movements except the multiplication of barriers in the city. He is not sure whether this is meant to guard against foreigners or prevent thieving. There is a small military force at Foo-Chow, 300 perhaps, each soldier paid 1,000 cash, or $1, per month. A thousand troops have been brought from one point and 3,000 are expected from another. The same complaint comes from Foo-Chow that we hear elsewhere, namely, the want of money. It was proposed by the viceroy to raise a million taels, or, say, $1,400,000, as a "patriotic contribution"—in other words, an enforced loan. It appears, however, that the people who had the money proposed that the officials should first raise the amount, and they would then say what they would do. It was also suggested to levy a tax upon rice, but this the people would never admit. With salt taxed to its utmost value, taxed so heavily as to make it a luxury, the objection of the people to a tax upon rice is not a surprise. Mr. Wingate reports that the feeling of the people towards foreigners is what might be called courteous apathy, and as to war with France, ignorance and indifference.

Hankow is reported as peaceful.

Mr. Goldsborough sends an interesting dispatch from Amoy. The relations between foreigners and Chinese are satisfactory. He notes, however, in the form of a proclamation from the subprefect at Amoy, threats against the dynasty on the part of some pretender to the throne.

The tone of the proclamation may indicate to the Department a spirit of unnecessary alarm. But when we remember the trifling causes which germinated in the Tai-ping rebellion, keeping China in sedition and turmoil for years, causing the devastation of provinces and the loss of millions of lives, the effect of which is still felt, it is easy to understand the anxiety of the Government at the appearance of the slightest pretension to overthrow the dynasty. Rumors as to adventures of the same character came from Hankow last summer, and I have had occasion to note them in Peking.

I have dwelt upon Canton affairs so fully in former dispatches that I need do no more than refer to the dispatch of Mr. Seymour.

But exceptional circumstances exist in Canton. The people have the aggressive and restless spirit which we are so apt to find in southern latitudes—haughty, impetuous, brave. Although the Cantonese, because of their long intercourse with foreigners, going back to the early days of the East India Company, and because of the many thousands who, having lived in the United States and the colonies of Great Britain, are now at home again, and their consequent familiarity with western ways, would be supposed to have a kindly feeling towards foreigners, the reverse is the truth.

There is more trouble in Canton and we have more anxiety as to the public peace in the Cantonese provinces than in any part of China. Other provinces are torpid, and seeing little of the foreigner care less about him. Their feeling is that of contempt and curiosity, not enmity. Canton is near to the seat of war in Tonquin, and suffers from this proximity.

While, therefore, we must accept the fact that China is in a seething, troubled condition, I cannot note any phenomena that would justify alarm as to the safety of foreigners. And although I have been asked by American citizens in the interior whether it was prudent for them to leave their work and come to the sea-ports, where they would have the protection of our ships, I have seen no reason to give such advice. In conversation with my colleagues I have heard no feeling of apprehension.

While one part of the Empire may be peaceful, there may be turmoil in another. Nor are the people homogeneous; thus, a northern Chinaman may dislike a foreigner, but he hates a Cantonese.

There are deep, wide fissures in China. The dialects are so peculiar that natives of one province cannot understand the inhabitants of another. The Divine interdict which led to the confusion of tongues has fallen upon China, and a Cantonese in the eyes of a Pekingese is as much an alien as an Algerine or a Turk. Out of this comes an absence of national public spirit, the sentiment which during our own war was known as "loyalty."

These local animosities, arising out of the want of intercourse and free communication between the provinces, may be regarded as the principal reason why a great and densely populated Empire should be so easily governed by an alien race, vastly inferior in numbers.

I have, &c.,

JOHN RUSSELL YOUNG.

No. 42.

Mr. Young to Mr. Frelinghuysen.

No. 413.] LEGATION OF THE UNITED STATES,
Peking, April 1, 1884. (Received June 12.)

SIR: I have the honor to confirm my cable dispatch dated February 11, as follows:

Holcombe returned, having satisfactorily settled Chinaufoo case.

In my dispatch No. 285, dated November 14, I informed the Department that I had resolved to send Mr. Holcombe to Chinaufoo to endeavor to arrange long-standing grievances between the American missionaries residing there and the Chinese authorities.

I did this with some reluctance, because I do not wish to encourage a disposition on the part of the yamên to throw the responsibility of settling important questions upon the provincial officials. At the same time, the American citizens in Chinaufoo had been a long time deprived of their rights. All recourse to the yamên had been exhausted, and I saw no better way to secure a practical result than to deal directly with the governor of the province.

This decision I am glad to know met with your approval.

Mr. Holcombe left Peking on the morning of December 25, 1883, and returned February 9, 1884. I wrote the viceroy Li Hung Chang regarding his mission, expressing the hope that all courtesy would be shown him as the representative of this legation.

In my dispatch No. 333, dated January 26, I had the pleasure of saying to the Department that every pains had been taken by the authorities to meet my wishes in this respect and to do honor to Mr. Holcombe. In his report Mr. Holcombe dwells with more detail upon this gratifying incident. I make a special reference to this because, at a time when there is much anxiety in China as to the status of foreigners, it is a gratification to know that a friendly disposition exists towards Americans.

The details of Mr. Holcombe's settlement will appear in the inclosures.

The agreement as it now stands is satisfactory to the gentlemen directly concerned and meets with my approval. I trust that it will satisfy the Department.

In the mean time I commend to your recognition the judgment and tact shown by Mr. Holcombe in carrying out the orders of the legation and bringing to an honorable result a question which has been for a long time a source of anxiety.

I have informed his imperial highness Prince Kung that the legation regards the "Chinaufoo case" as satisfactorily disposed of, and requested him to thank the governor of Shantung for his most courteous treatment of Mr. Holcombe.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in No. 413.]

Mr. Young to Mr. Holcombe.

DECEMBER 20, 1883.

SIR: You are well informed of the circumstances under which it has become necessary for me to request you to proceed to Chinaufoo in order to effect a settlement of a

case of the destruction of a chapel, the property of certain American missionaries, which occurred there in July, 1881.

It is understood that a compromise is to be effected under which the missionaries interested are to receive other property in lieu of that destroyed. You should, therefore, be careful in your negotiations with the Chinese authorities to secure the following points:

1st. That the property furnished in exchange be so located as to be available for the purpose of a chapel.

2d. That it be equivalent in value to that destroyed, or, failing this, that any deficiency be made good.

3d. That proper deeds of the premises furnished in exchange be given to the missionaries.

4th. That any prosecution begun by Chinese local officials against Chinese subjects because of their connection with the purchase of the original premises be abandoned.

You will conduct your negotiations with as much speed as may consist with securing a satisfactory issue, and return as promptly as possible to this legation.

I am, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 2 in No. 413.]

Mr. Holcombe to Mr. Young.

FEBRUARY 12, 1884.

SIR: In reference to your instruction No. 104, of December 20, 1883, a copy of which is inclosed herewith, and in which I was requested to proceed to Chinaufoo in order to effect a settlement of a case of long standing in that city, I have the honor to inform you that I left Peking upon December 25, and, after a necessary delay at Tien-Tsin of a few days in order to transact certain business with his excellency Li Hung Chang, reached Chinaufoo upon the afternoon of January 12.

The three following days were necessarily occupied with the interchange of preliminary visits of courtesy, and my first business interview with his excellency the governor took place, by appointment, Wednesday, January 16, after which I had interviews with him each day for an entire week. In all these discussions his excellency manifested a most friendly spirit and an exceeding anxiety to dispose of the business in hand to my satisfaction. * * * We discussed the whole business in hand from its origin in the mob of July 12, 1881, down to the present, with the utmost candor and thoroughness and yet with mutual good nature. Upon my part I assured his excellency, at our first interview, that my mission to Chinaufoo had but one object, which was to dispose of the case in question in a spirit of the utmost conciliation and forbearance; that my desire was not to obstruct but to facilitate a settlement, and that I should demand nothing unreasonable or beyond his powers to grant. He was also plainly assured that I should not ask the restitution to the missionaries of the property originally purchased by them, as I did not believe that such a demand, even if willingly complied with, would, in view of popular feeling, really conserve the interests at stake. His excellency appeared greatly relieved by this assurance. But it was also added that, this concession being made on our part freely to the sentiments of the Chinese, we ought to expect, and would indeed insist, that our demands in all other particulars should be fully and promptly met, and we thus be shown that our forbearance in waiving our rights to the original premises was appreciated.

His excellency replied that his greatest anxiety had been lest I should insist upon the rendition of the original property, which could not have been acceded to by him except at the risk of another popular uprising. Since, however, I had spoken in so conciliatory a manner upon that point, he had no hesitation in assuring me that all other demands would be met without hesitation or reserve.

His excellency had secured two different premises, of which he offered the choice as in exchange for the original purchase, and after the interview of January 17 I made a careful inspection of each in person. The missionaries also examined them at my request.

As a result of our conferences I submitted to his excellency, at our interview of January 18, a memorandum in which I proposed, under certain conditions, to accept, on behalf of the missionaries, one of the premises offered.

To this his excellency submitted a counter-memorandum on the 19th.

An examination of this rejoinder will show you at once that the governor substantially accepted all my conditions with one exception. He insisted that the missionaries should pay the legal tax on the deed for the new premises, as they should have done (but had not) upon the premises first bought.

As the amount involved was only some 110 (Mexican) dollars, I yielded this point without a question.

In order to bring the business into a formal shape, response was made to the governor's counter-memorandum in the shape of an official dispatch, copy of which you will find herewith. In it the points of agreement were summarized, and his excellency was requested to state whether he accepted them, and, if so, to name an early day for the exchange of the necessary papers.

His response was made on the 20th January. He accepted the terms *in toto* and named the 22d as the day for concluding the business.

Upon that date I received from the governor an official title-deed, made out in the names of the missionaries, for the new premises, together with a bank order for 3,000 taels, the amount agreed upon to be paid as the difference in the value of the two properties, and I delivered to his excellency the title-deed of the premises first purchased and 83.10 taels, the amount of tax on the transfer of the property. Immediately after this interview the district magistrate went in person and formally delivered the new premises to Messrs. Murray and Hunter, who, at my request, were in waiting to take possession of them. The interchange, upon the same day, of formal notes between his excellency the governor and myself brought this case to a conclusion.

Upon my part Messrs. Murray and Hunter were also formally addressed in a note, reciting the points of my agreement with the Chinese authorities, and inclosing the title-deeds to the new property and the bank note for 3,000 taels.

I may add further that these gentlemen were consulted fully and frankly, and they assented to the wisdom of the various conclusions reached by me.

Having thus accomplished the object of my mission, I exchanged leave-taking calls with his excellency the governor upon the 23d January and set out upon my return to this city the following day.

There are one or two points embodied in this report upon which a word of explanation may perhaps be necessary.

The question of the cemetery lot does not appear in the earlier correspondence in this case. It has, in fact, never been formally brought to the notice of this legation.

It had, however, caused our citizens at Chinaufoo much trouble and anxiety, and, at their request, it was brought forward in my negotiations with the governor.

The sum of 3,000 taels paid by the Chinese authorities was, in my opinion, a larger amount than this legation could with reason have insisted on as representing an actual difference between the value of the premises originally purchased and those accepted in exchange. Indeed, after personal inspection of both properties, I had fixed upon the sum of 2,000 taels as the proper equivalent. But Messrs. Murray and Hunter urged, with some show of reason, a difference in the value of the two locations, and also the fact that they might with justice claim some considerable sum in compensation for the delay of two and a half years during which they had been deprived of the use of the premises bought.

Moved by these considerations, I inserted in my first memoranda a claim for 3,000 taels, but was prepared to yield somewhat upon it in case the Chinese authorities raised serious objections. But to my gratification his excellency the governor accepted the sum named at once, saying in personal conversation, "I know there is no such difference in the values of the two properties, but you have come a long distance to settle this business and shown yourself very reasonable and friendly; and, further, I have a great regard for the Protestant missionaries; I know that they are doing a good work, and I am quite willing to give them a few hundred taels more than strict justice would demand."

Since his excellency, therefore, yielded this point so promptly and gracefully, I saw no reason for modifying the demands as made at the request of the missionaries.

I should do injustice as well to my own feelings as to the authorities of the provinces of Chihli and Shantung did I close this report without calling special attention to the very marked and unusual courtesies extended to me along the route of my journey by the local authorities and in the city of Chinaufoo by the governor. As I was on the point of leaving Tien-Tsin his excellency Li Hung Chang sent a secretary to say to me that he had informed the governor of Shantung of my movements, and had also instructed his subordinates on so much of my route as lay within the province of Chihli to show me all possible attention. The effects of this act of thoughtful courtesy were at once apparent. The local officials secured in advance for me the best inns at each point where I stopped, whether for the night or for the mid-day meal, fitted them up with rugs, carpets, cushions, and curtains, sent cooks and servants to see that my food was ready for me, and in many instances the chief magistrate of the district, equivalent to the mayor of one of our cities, came in person to meet me, to pay his respects and to make sure by his presence that his arrangements for my comfort were properly executed. A military escort of never less than twenty persons and more frequently numbering fifty or sixty, equally divided between cavalry and infantry, accompanied me from point to point, being exchanged at each district city from Tien-Tsin to Chinaufoo. A similar escort was furnished upon my return. At a

distance of some five miles from Chinaufoo I was met by an aid to the governor, sent to bring me the compliments of his excellency and to say that he had sent his own sedan chair out for me, and he begged me to make use of it in entering the city, as it was more comfortable than the "mule-litter" in which I was traveling. At the point where the governor's sedan chair was waiting for me two regiments of soldiers were paraded and salutes were fired in my honor. An immense concourse of people had assembled here, as it had been known throughout the city for several days that I was coming and the populace seemed to have taken a holiday in order to see the "foreign official." Chinese said that 20,000 people were gathered, but probably 10,000 would be nearer the mark. They were very curious, but perfectly quiet and respectful.

On reaching the city I found that the governor had taken an entire inn for my accommodation, fitted it up thoroughly in accordance with Chinese ideas of comfort, and had sent his own cook and major domo, with a great retinue of attendants of various grades, some thirty persons in all, to wait upon me. These servants remained in attendance during the entire period of my stay in Chinaufoo, and my meals were furnished me constantly from the governor's kitchen.

I need hardly say that I would much have preferred to make my journey in a more quiet and unpretentious style, and as I had a sufficient number of my own servants in company for all my wants, that such a retinue was more or less of an embarrassment. I endeavored, so far as could be with safety to my mission, to avoid so large an escort *en route* to Chinaufoo, but it was quite useless to ask the local authorities to excuse me from accepting it. They had their orders from the governor and knew well that not even my request and protestation against so much display would serve to shield them from any failure to obey his mandate. In a similar manner I endeavored at Chinaufoo to induce the governor to withdraw his large retinue of servants from my inn and to allow my own attendants to wait upon me. But his excellency, an exeeedingly amiable and courteous old gentleman, was evidently influenced by two motives, one to show me how magnificently courteous a Chinese official could be when he cared to make the effort, and, second, and probably the more important motive, to show his own people in a quiet but most effective manner the regard and honor in which he and his Government held the officials of the United States. Hence he had caused me to be treated in all respects as though I were an imperial commissioner of His Majesty the Emperor of China. And hence I found that to press my protestations and excuses beyond a certain point would wound the kindly feelings of the governor and endanger the success of my mission, by arousing in his mind the suspicion that I either did not know how to appreciate such courtesies or that I objected to the receipt of favors at his hand because I was in an aggressive mood. It seemed best, therefore, to accept these attentions quietly and in the spirit they were offered.

* * * * * * *

I have dwelt at length upon this phase of my mission to Chinaufoo because it had an important bearing upon the results of that mission, and because, so far as can be learned, it is entirely without precedent, no foreign official traveling, whether on business or pleasure, in the interior of China, having received such excessive courtesy before. And it is safe to assume, as among the most important of its valuable results, that it will effect a radical change in the minds of the people of an entire province as to the feelings of the Chinese Government towards foreign officials.

Heretofore those people have believed, with or without reason, that in his secret heart every Chinese official had a contempt for foreigners of all classes. But now the populace of one province have been shown in a practical and striking manner that an officer of the United States is held by the highest authority of the province in equal honor with an officer of His Majesty the Emperor. The effects of this lesson cannot fail to be lasting and valuable.

Trusting that my action as herein recited will meet with your approval and that of the Department of State,

I have, &c.,

CHESTER HOLCOMBE.

No. 43.

Mr. Young to Mr. Frelinghuysen.

No. 427.] LEGATION OF THE UNITED STATES,
Peking, April 16, 1884. (Received June 23.)

SIR: As a further reference to my dispatch No. 407, of March 31, I have the honor to transmit herewith, for the information of the Department, a copy of a dispatch from Mr. Consul Seymour, at Canton, show-

ing the temper of the people and the condition of affairs in Southern China.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure in No. 427.]

Mr. Seymour to Mr. Young.

No. 66.] MARCH 22, 1884.

SIR: I have the honor to inform you that the condition of affairs in Southern China is not altogether indicative of tranquillity, although in the immediate vicinity of Canton everything seems to be quiet. The two events which are of sufficient importance to mention at the present time are the effects of the military operations resulting in the capture of Bachninh by the French forces, and the progress of the Chinese rebellion near Hwai Chow, in the eastern portion of the province of Kwangtung, from both of which points full and reliable information was this day received in Canton, although rumors had reached here early in the week.

Bachninh was captured and occupied by the French forces on the evening of Wednesday, 12th instant, without much of a conflict, the total losses of both sides having been less than one hundred men, and about equally divided.

From all accounts of a reliable nature it seems to have been an empty and unexpectedly unimportant victory for the French, as the total population at and about Bachninh, a week before its evacuation by the natives, numbered over 25,000, all of whom have retired or retreated further into the interior, the first stand being located at Thainquyen, with a more remote and formidable point called Langson, toward which places the French forces are understood to be slowly advancing.

The French flotilla, consisting of the Pluvier, Lynx, Léopard, Aspic, Trombe, and and Caroline, and several launches and junks laden with supplies, &c., found the river barricaded at Langson by stone and sunken junks.

As a distance of 80 miles has to be traversed between Bachninh and the nearest of the two places to which the hostile forces are moving, it is obvious that the French incur the danger and inconvenience of operating very far from their base of operations; but as the natives have not yet manifested any ability to offer any resistance to the French forces, except to impede navigation, possibly the progress of the latter will be undisputed.

In the mean time there is every reasonable prospect that the Chinese frontier may be the scene of occurrences which will ultimately bring the French and Chinese armies into conflict, which must result disastrously to the Chinese, whose regiments, encumbered with banners, pikes, poles, and spears, and with inferior arms, and destitute of discipline, so far as I could discern during their passage through Canton, are impotent against well-disciplined soldiers of Europe or America.

When Sentai was captured by the French, the natives of Canton were made to believe that the French had been mercilessly slaughtered immediately after occupying that place; and last week Canton was assured and happy over the prevalent rumor that the French had been enticed and entrapped into Bachninh, and soon after the natives completely slaughtered their invaders. * * *

When it was reported that Bachninh had been captured there was no great excitement in Canton, and the general remark was, "We do not care, if the French keep away from Canton."

The rebels at and about Hwai Chow, in the eastern part of the province of Kwangtung, are being re-enforced, the number of active rebels now numbering about 10,000 men.

As yet the Government troops have not attacked the chief position of the rebels.

On Sunday, 16th instant, at Pak Mong Fu there was a conflict, resulting in the loss of 200 men and wounding Tang On Pang, the mandarin in command of the Government forces.

The Hakka portion of the soldiers brought from Canton dispersed. The attack on the rebels was made by soldiers from Funam.

The Triad Society, which is supposed to be helping the rebels, is rapidly increasing in numbers, as the people of Southern China are convinced there will be serious trouble.

The information regarding the troubles in the region of Hwai Chow is derived from a very trustworthy German missionary, Rev. E. R. Eichler, of the London mission, who has passed the last month in the vicinity of the disturbances, and who returned to Canton this afternoon, via Hong-Kong.

I am, &c.,

CHARLES SEYMOUR,
Consul.

No. 44.

Mr. Frelinghuysen to Mr. Young.

No 267.] DEPARTMENT OF STATE,
Washington, April 18, 1884.

SIR: Your No. 350, of the 11th of February last, concerning the threatened obstruction of the Canton River by the viceroy of the province, as a defensive war measure, has been received and read with much attention.

The report of your conference with the yamên on the 14th of January presents very clearly the embarrassments which attend any attempt to make clear to the Chinese Government the relations of the treaty powers to each other in regard to this question.

In your interview with the yamên you closely anticipated the tenor of my telegraphic instruction of the 22d of January. Had that telegram been before you it might possibly have furnished you with a reply to an argument frequently put forth by the ministers of the yamên, that the neutral powers should show their friendship for China by preventing France from attacking China without proper previous notice of intention to do so. This is, as you will have seen, almost exactly the ground taken by the United States.

The real issue seems to have been very succinctly put by Chang-ta-jên in the interview of the following day with Sir Harry Parkes. "If," said he, "China could be certain that France would be guided by the laws of war in her future action, and an authoritative assurance could be obtained from any quarter that France would not attack (the open ports) without due notice, Chang-ta-jên would promise, on his own responsibility, that the obstructions at Canton should be removed."

The gravity of the question seems to have been removed in a great measure by the assurance given by the yamên that a channel of over 100 feet in width would be left in both channels for the convenience of steamers and sailing vessels, an assurance which Chang-ta-jên seems afterwards to have still further extended to 150 feet, as appears from the telegram from the British consul at Canton to Sir Harry Parkes of January 26.

Even, however, under this favorable modification, the obstruction to the channel at Canton and Whampoa can only be tolerated as a temporary measure, to be removed as soon as the special occasion therefor shall have passed, and under no circumstances to be admitted as a precedent for setting obstacles to open navigation at the treaty ports in time of peace, under pretext of being intended for ultimate strategic defense in the contingency of future war.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 45.

Mr. Young to Mr. Frelinghuysen.

No. 462.] LEGATION OF THE UNITED STATES,
Peking, June 18, 1884. (Received August 4.)

SIR: I have the honor to submit herewith, for the consideration of the Department, a copy of a dispatch received from Mr. Consul Shepard, at Hankow, and a copy of my response.

Mr. Shepard calls my attention to the refusal of Chinese officials in the interior to recognize transit passes; to attempts made by them to levy lekin and other taxes upon goods covered by transit passes; he points out the injurious effect of such action upon our trade, and asks for the energetic intervention of the legation.

The subject thus brought up, by no means for the first time in the history of this legation, is one of grave importance, and, as Mr. Shepard has been informed, will have serious attention.

But in my reply I have felt obliged to express a divergence of opinion upon one point raised in Mr. Shepard's dispatch, and it is to that point alone that at the moment I beg to ask the attention of the Department.

With his dispatch were forwarded no less than thirty-four transit passes issued to Mr. J. M. Burnett, an American citizen, and rejected by Chinese officials in the interior. In reference to these Mr. Shepard remarks:

> I do no claim that Mr. Burnett actually owned the goods (covered by these thirty-four passes,) *for he undoubtedly acts for native traders*, as I have explained in a former communication. But that should make no difference in the treatment of passes inward, since no distinction is made between natives and foreigners in the protection the certificates warrant.

Upon this point I have replied to Mr. Shepard that, in my opinion, we cannot ignore the fact, if such a fact is known, that American merchants are acting for Chinese principals, and are not themselves the *bona fide* owners of the merchandise covered and protected by transit passes taken out by them; and I have pointed out that, in the constantly recurring discussion of the transit-pass system between the Government of China and foreign representatives, the former has always insisted and the latter admitted that under the treaties transit certificates can only be used legitimately by foreigners to cover and protect *foreign-owned* merchandise.

The entire transit-pass system is a creation of the treaties between China and foreign powers. It was devised, not for the advantage of Chinese merchants, but for the benefit of foreign exporters and importers, by the substitution of a fixed internal tariff in place of the uncertainties and irregularities of the Chinese interior and local systems of taxation. That commerce would be largely benefited by the extension of the transit-pass system to Chinese merchants is no doubt true, but that is a question between the Government of China and its subjects, with which we cannot interfere. We certainly ought not to allow our people to connive with subjects of this Empire in seeking by surreptitious means to secure advantages to which they are not legitimately entitled.

The responsibility for the failure of the transit-pass system to produce the good results expected of it cannot, I fear, be laid wholly upon the Chinese. It is, on the one hand, true that local Chinese officials ignore and repudiate transit passes, and thus violate the express provisions of treaty; but it is not less true, on the other hand, that at several of the ports are foreigners, merchants so called, but with neither capital nor connection, who lend or sell their names to native firms in the use of transit passes, thereby enabling the latter to evade the laws of the Empire. Hankow, as a port, has long been notorious for this form of abuse of the transit-pass system, and by Mr. Shepard's declaration it appears that Mr. Burnett has been doing this sort of work for Chinese merchants.

The whole system sadly needs revision and readjustment, but it is too much to expect that the Government of China will take efficient meas-

ures to put an end to the violations of the treaties by its local officers in this direction until it has a practical assurance that foreign powers will no longer permit abuses of the privilege by their people.

In this view the question raised as to the right of American citizens to allow themselves to be used as figure-heads or men of straw by Chinese merchants, in taking out transit passes, becomes of very serious importance, and upon it I beg to receive the instructions of the Department.

I have, &c.,

JOHN RUSSELL YOUNG.

[Inclosure 1 in No. 462.]

Mr. Shepard to Mr. Young.

No. 95.] APRIL 7, 1884.

SIR: In my No. 90 I referred to the interference with transit passes inward by lekin officials at points distant from Hankow, by which foreign goods were deprived of the benefits intended to be secured by the passes, and were consequently subjected to an unjust taxation *en route*, thereby largely increasing the cost of foreign products, to be borne by the native consumer. The effect of such a course must be only prejudicial to trade, acting directly to prevent and curtail commerce in articles from foreign countries. Such is, moreover, an unquestionable violation of treaty provisions, as conceded by the tsung-li yamên in their letter to the Chinese ministers abroad, which unequivocally recognizes the fact that such certificates "cover goods from a treaty port to a place named in the certificate, exempting them from all taxes *en route*."

This matter, with other efforts to interfere with foreign trade inland, has been formerly reported to the legation, its importance has been recognized, and a willingness expressed to use all proper efforts to secure a reform of abuses. But at the outset the purpose was weakened and reformatory results prevented from the lack of positive proof of native irregularities. No doubt has ever been expressed of the truth of my allegations, but in the lack of collateral proof to sustain them definite action on the part of the legation was scarcely possible, and I was asked to watch for such proof. While perfectly assured of the facts, I have never until now been able to secure such positive evidence as cannot be denied by local officials and some subterfuge brought forward to evade the conclusion of their undeniable hostility to the introduction of foreign manufactures into the Empire. I now have indubitable proof of a gross violation of the authority and force of inland-transit passes, and, as in duty bound, transmit the facts and evidence for the attention of your excellency.

I have the honor to inclose to you no less than thirty-four passes, pasted and attached together in one mass, and in this form returned to J. N. Burnett, the American shipper of goods from this port. I do not claim that Burnett actually owned the goods, for he undoubtedly acts for native traders, as I have explained in a former communication. But that should make no difference in the treatment of passes inward, since no distinction is made between natives and foreigners in the protection the certificates warrant.

Inspection of the returned passes will show that they were stopped and taken up at Yochow, a tax-barrier near the mouth of the Tung Ting Lake. The officials there detain boats with foreign goods for an indefinite period, until a number of passes for the same destination are collected, and from that point onward to the end of the transit the goods are forwarded unaccompanied, and of course unprotected, by the passes that should be with each separate lot of merchandise. They are, therefore, exposed to lekin taxation at every subsequent barrier passed. I have made investigation of the contingent circumstances, to discover them as accurately as possible, and find the following to be the facts:

1. The goods sent by the route in question are mostly, if not entirely, piece goods of American and British manufacture.

2. There are several long routes beyond the Tung Ting Lake over which transit goods are conveyed, some of them being land routes. One leads southwest to Kweichow, and the other to the southern part of Lzechuen. During the summer months, when the Yangtsze is in flood, the latter is closed for a time. My information is that on both routes there are several tax-barriers that the goods must pass, and as the transit certificates are separated from the goods at Yochow, it follows that they are unprotected for the entire distance beyond, and lekin taxes are most undoubtedly collected at every barrier, in accordance with Chinese custom in similar cases.

3. The amount of such taxation I have been unable to learn, as it is of course kept concealed by the officials interested; but traders here admit that it exceeds the half duty originally paid for the transit pass to clear the goods.

The effect upon trade inland will be obvious, and it requires no argument to induce your excellency to take up a matter so important to American interests, and I leave it in your hands, confident of wise action.

In regard to tea passes, I may add, for your information, that, on the request of both Mr. Burnett and Mr. Jenkins, I have recently applied for the issue of them.

The answer of the taotai to the applications in both cases is that when the missing passes for previous years are returned those now asked for will be issued.

The inference is that none will be issued to the applicants till then, and as their return is impossible, the decision is in effect a refusal to issue at all.

I am, &c.,

ISAAC F. SHEPARD,
Consul.

[Inclosure 2 in No. 462.]

Mr. Young to Mr. Shepard.

No. 41.] JUNE 17, 1884.

SIR: I have had the honor to receive your dispatch No. 95. The subject to which it refers will have careful consideration.

I may say, however, that I do not share your opinion that we can ignore the fact, if such a fact is known, that American merchants are acting for Chinese principals and are not themselves the *bona fide* owners of the merchandise covered and protected by transit passes.

While it is true, as you say, that the tsung-li yamên, in its circular to Chinese ministers abroad, did recognize the fact that transit certificates "cover goods from a treaty port to a place named in the certificate, exempting them from all taxes *en route*," it is also true that the circular referred to maintains with equal plainness that under the treaties such certificates can only be used legitimately by foreigners to cover and protect *foreign-owned* merchandise.

This interpretation of the treaties has always been stoutly maintained by China, and, so far as I am aware, has never been disputed by any foreign Government. A notable case may be found in the files of your own office, being that in which Mr. A. Jenkins claimed damages against the Chinese Government for the detention of goods under transit pass in 1874–'75, and in which this legation declined to press his claim for damages, because the burden of evidence went to show that he was not the owner of the goods in question, but was acting for Chinese principals.

I shall have occasion to address you further upon this important question at an early moment.

I am, &c.,

JOHN RUSSELL YOUNG.

No. 46.

Mr. Frelinghuysen to Mr. Young.

No. 316.] DEPARTMENT OF STATE,
Washington, August 6, 1884.

SIR: I herewith transmit, for your information, a copy of a note* from the chargé d'affaires *ad interim* of China here, of the 31st ultimo, stating that twenty-four Chinese merchants, with proper certificates under the law of May 6, 1882, had lately arrived at San Francisco, and had been refused permission to land because of a non-compliance with the law of July 5, 1884, a copy of which is herewith inclosed.

As these Chinese were at sea when the act was passed, and as the ship on which they arrived sailed on her return voyage the 7th instant, I immediately brought the matter to the attention of the Secretary of

* For note referred to see page 112.

the Treasury, as desired by the Chinese chargé. I said to Mr. Folger that the collector's construction of the law seemed to be erroneous, and, under the circumstances of this particular case (as it was manifestly impossible for the Chinese merchants to comply with a law which was not in existence when they departed for the United States), unnecessarily severe. I therefore requested him to telegraph instructions to the collector of San Francisco permitting them to land.

I have received a letter from the Acting Secretary of the Treasury, dated the 31st of July ultimo, in which he states that the following telegram has been sent to the said collector, viz:

> Allow twenty-four Chinese merchants who arrived at your port on 28th instant to land, without exacting evidence required by act of July 5, 1884.

I have had pleasure in acquainting, by a note of the 2d instant, the Chinese chargé d'affaires *ad interim* of this decision of the Acting Secretary of the Treasury.

In conclusion I may observe that consideration is now being given to the law of July 5, 1884, which prohibits the landing of Chinese laborers at any port or place in the United States except as provided in section 4. The act also changes somewhat the form of certificate under which this privileged class of His Majesty's subjects may go from and come to the United States. As soon, therefore, as the matter is finally determined, you will be given copies of the correspondence, for your information.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 47.

Mr. Frelinghuysen to Mr. Young.

No. 320.] DEPARTMENT OF STATE,
Washington, August 8, 1884.

SIR: Your dispatch No. 462, of June 18 last, has been received and read with attention. It presents the transit-pass question and asks whether American citizens can legitimately act for Chinese principals in the use of such passes.

The circumstances reported in your dispatch represent a condition of affairs not altogether agreeable to contemplate, and, in accordance with your desire, I may observe that United States citizens who lend or sell their names to native firms in China, to enable such firms to violate the laws of that Empire by the use of transit passes, are not entitled to the protection of this Government in any case arising for the violation of the treaty by the Chinese local authorities, for refusing to recognize such passes, when the goods which they are reported to cover do not actually belong to our citizens. American citizens who are legitimately engaged in trade, and entitled to such passes for themselves and their wares, should receive every measure of protection due to their just complaint. But transit passes should only be used, in the opinion of the Department, by our citizens in China, to cover and protect merchandise actually owned by them. Any other course seems to be not only opposed to the spirit of the treaty granting such passes, but detrimental to the interests of our citizens engaged in legitimate trade.

The habit, therefore, of obtaining transit passes by American citizens

for Chinese principals, to secure for them advantages to which they are not entitled by the laws of their own country, is such an abuse of the privilege as not only to justify the Chinese authorities in refusing to recognize such passes when irregularly issued or obtained, but also in declining to grant additional ones to those found guilty of such practices.

You will, therefore, following the intent of this instruction, properly apprise Mr. Shepard, our consul at Hankow, of the views of the Department.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 48.

Mr. Young to Mr. Frelinghuysen.

No. 494.] LEGATION OF THE UNITED STATES,
Peking, August 8, 1884. (Received September 22.)

SIR: I have the honor to inclose you a copy of the recent convention between China and France. The Department will note, in parallel columns, a translation into English from both the French and Chinese texts. While the French text must be accepted as conveying the exact meaning of the treaty, the variation in forms of expression and the evident intent of the writers is worthy of attention.

I have, &c.,

JOHN RUSSELL YOUNG.

[Translation.]

The Government of the French Republic and His Majesty the Emperor of China, being desirous, by means of a preliminary convention, the terms of which shall serve as a basis for a definite treaty, to put an end to a crisis which to-day gravely affects the public tranquillity and the general movement of affairs, and to re-establish and secure forever those relations of good neighborliness and friendship which should exist between the two nations, have named as their respective plenipotentiaries, that is to say. His Majesty the Emperor of China, his excellency Li Hung Chang, senior tutor presumptive of the son of His Majesty the Emperor, first secretary of state, viceroy of Chihli, a hereditary noble of the first class of the third rank; the Government of the French Republic, Monsieur Ernest-François Fournier, frigate, captain, commander of the dispatch vessel Volta, officer of the Legion of Honor, &c., who, having exchanged their full powers, which have been found in good and due form, have agreed upon the following articles:

TRANSLATION FROM OFFICIAL FRENCH AND CHINESE TEXTS COMPARED.

From French text.	*From Chinese text.*
ARTICLE I.	ARTICLE I.
France engages herself to respect and to defend, against every nation whatever and in all circumstances, the southern frontier of China bordering upon Tonquin.	Whatever contingencies may arise, also in the case of encroachment by other nations, France agrees to secure and protect the southern frontier of China which is contiguous to Northern Annam.

ARTICLE II.

The Celestial Empire, reassured by these formal guarantees of good neighborliness which are given by France respecting the integrity and security of the southern frontiers of China, engages itself:

1st. To, as soon as may be, withdraw to its own frontiers the Chinese garrison of Tonquin.

2d. To respect in the present and future the treaties made or which shall be made directly between France and the court of Hué.

ARTICLE III.

In recognition of the conciliatory attitude of the Government of the Celestial Empire, and as a tribute to the patriotic wisdom of his excellency Li Hung Chang, negotiator of this convention, France renounces her demand for an indemnity from China. In return, China engages herself to admit, throughout the entire extent of her southern frontiers bordering upon Tonquin, a free commercial traffic as between Annam and France on the one part and China on the other, said traffic to be regulated by a commercial treaty and a tariff, which shall be made in the most conciliatory spirit on the part of the Chinese negotiators and in terms as advantageous as possible to French commerce.

ARTICLE IV.

The French Government engages itself not to employ any expression of a nature to infringe upon the prestige of the Celestial Empire in the enactment of a definite treaty which shall be concluded with Annam, and which shall abrogate former treaties relative to Tonquin.

ARTICLE V.

When the present convention shall have been signed, the two Governments will name their plenipotentiaries, who shall meet within a period of three months, to elaborate a definite treaty upon the basis of the foregoing articles.

In accordance with diplomatic usage, the French text shall be authoritative.

Done at Tien-Tsin, May 11, 1884 (Kuang Hsu, 10th year, 4th moon, 17th day), in four copies, being two each in the French and Chinese languages, to which the respective plenipotentiaries have affixed their names and seals. Each plenipotentiary preserves one copy of each text.

The REPRESENTATIVE OF THE GOVERNMENT OF THE FRENCH REPUBLIC.

ARTICLE II.

There being no fear, after the convincing proofs given by France, of that country's making encroachments or causing disturbances, China agrees at once to recall to her own frontier all her troops now stationed in Northern Annam; also, not to concern herself with any existing or future treaties between France and Annam.

ARTICLE III.

In gratitude for China's wish to arrange matters, and out of respect for the earnest desire shown by Li for the general welfare, France is willing not to demand any indemnity from China. At the same time China promises that, on her frontier which touches Northern Annam, she will allow French and Annamite and likewise Chinese goods to come and go and be disposed of fully. She also agrees that when she sends an envoy to conclude the detailed treaty, he shall also arrange a tariff, which shall be exceedingly liberal, and which will thus be of great advantage to French and Annamite trade.

ARTICLE IV.

France agrees that in future, in making or altering any treaty with Annam, she will in no case insert expressions derogatory to the prestige or dignity of China, and she will annul all her existing treaties with Annam which injuriously affect Tonquin.

ARTICLE V.

This convention having now been signed and sealed, the two powers will, within a period of three months, appoint their respective plenipotentiaries, who shall conclude a definite treaty upon all the various points hereinbefore mentioned.

Signed and sealed in French and Chinese, being two copies of each, each party preserving one set as proof.

In accordance with diplomatic usage, the French text shall be regarded as correct.

May 11, 1884.

The REPRESENTATIVE OF THE CELESTIAL EMPIRE.

No. 49.

Mr. Young to Mr. Frelinghuysen.

[Extract.]

No. 495.] LEGATION OF THE UNITED STATES,
Peking, August 12, 1884.

SIR: * * * The Cantonese authorities have paid $8,139 as the cost of the wharf belonging to Messrs. Russell & Co. destroyed by the Chinese mob in the riot of September, 1883. This payment is the only one that has been made of the various claims, and I cannot but commend to the Department the energy and ability of Mr. Seymour, the United States consul at Canton, in securing its adjustment.

* * * * * * *

I have, &c.,

JOHN RUSSELL YOUNG.

No. 50.

Mr. Frelinghuysen to Mr. Young.

No. 322.] DEPARTMENT OF STATE,
Washington, August 14, 1884.

SIR: I herewith transmit, for your information, the inclosed copy of a note* from the minister of China here, of the 12th ultimo, complaining that a party of Chinese laborers bound for British Columbia, and who arrived at San Francisco in the steamer Rio de Janeiro June 5 last, had been refused permission to land temporarily by the customs authorities at San Francisco. I add also a copy of my reply addressed to the Chinese chargé d'affaires *ad interim*.

I have transmitted copies of this correspondence to the Secretary of the Treasury, inviting his attention to section 4 of the amendatory act of July 5, 1884, and asking that, in accordance with its provisions, his Department would, after receiving the opinion of the Attorney-General, to whom I have referred the matter to ascertain the rights of Chinese laborers *in transitu*, in view of the recent legislation, formulate the necessary certificate permitting privileged Chinese subjects to go from and come to the United States.

Upon receiving the opinion of the Attorney-General I shall have pleasure in apprising you of its purport. Meanwhile I add, for such use as you may find needful, a dozen copies of the act of July 5, 1884.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 51.

Mr. Young to Mr. Frelinghuysen.

No. 511.] LEGATION OF THE UNITED STATES,
Peking, September 16, 1884. (Received November 3.)

SIR: There has been much discussion in our diplomatic body as to the rights and duties of neutrals during present complications between

* For note referred to see page 109.

China and France. In my dispatch No. 505, dated September 7, I inclosed a decree from the throne which appeared in the Peking Gazette. Under ordinary circumstances such a proclamation would be regarded as indicative of the actual existence of war, and could impose upon us the duties of neutrals.

It has been impossible to obtain from the prince, with whom I have had several conversations, any declaration to the effect that China regards herself at war with France. I have asked for an official copy of the decree, but the answer is that decrees from the throne are domestic incidents and do not concern legations.

I learn, furthermore, that M. Jules Ferry has said to European Governments that France does not regard herself as at war with China. A proclamation issued by M. Lemaire, consul-general of France at Shanghai, confirms this belief. At the same time the French at Keelung forcibly prevent a German ship from landing a cargo, and the captain, in doing so, avers that he commits a "belligerent act."

The question has assumed practical shape in various instances. The consul-general and the consul at Tien-Tsin have been asked whether American ships could carry munitions of war for Chinese. I have instructed them that until war is declared our vessels are at liberty to carry any lawful merchandise. The consul at Foo-Chow writes that he has forbidden American pilots to serve on French ships. I have said to him that until we know war exists, American pilots are free to accept any engagements.

The yamên, in a note addressed to the Japanese legation, asked the Japanese to refuse coal to the French steamers. The same request was addressed to the Government of Great Britain, as well as to our legation. The especial purpose of the note was to prevent supplies from being furnished at Hong-Kong and Nagasaki. I made no reply to the note beyond a simple acknowledgment. The question has no practical value as far as we are concerned.

I have been unable to discover any consensus of opinion among my colleagues. I presume they await instructions from their Governments. Sir Harry Parkes gave the British consul at Tien-Tsin the same instructions that I gave Mr. Smithers, namely, that until he had official knowledge of war he could not enter upon the obligations of neutrality. I suggested to Mr. von Brandt that the diplomatic body might unite in a request to the Government for a specific declaration as to the existence of war. Mr. von Brandt did not feel that he could do this, and, beyond some conversations among the members of the diplomatic body of an informal character, there has been no action. I learn from the Japanese minister that China, through the Berlin minister, requested Germany to enter upon the duties of belligerency. Prince Bismarck answered that Germany, before doing so, must have an assurance from China or France that belligerency existed. This assurance China refused to give.

I am most anxious that Americans in China should preserve an exact neutrality in the unhappy event of war. At the same time I see no reason for imposing the obligations of neutrality upon our people until we know that war exists. If China and France desire American neutrality, they can make their wishes known through their legations in Washington.

I shall take no action looking towards the acceptance of neutral obligations by Americans in China until I have the orders of the Department.

I have, &c.,

JOHN RUSSELL YOUNG.

CORRESPONDENCE WITH THE LEGATION OF CHINA AT WASHINGTON.

No. 52.

Mr. Cheng Tsao Ju to Mr. Frelinghuysen.

CHINESE LEGATION,
Washington, February 16, 1884. (Received February 16.)

SIR: Referring to a conversation which took place on the 11th instant, I have the honor to inform you that I have now learned that my Government has temporarily suspended the issue of certificates to those Chinese subjects who by right are entitled to come to the United States. The reason for this is that the authorities desire to adopt some more perfect and satisfactory measures. This shows that China really desires to maintain her good faith and strengthen the tie of friendship existing between the two countries.

Within these last two months there arrived at San Francisco, from Hong-Kong, four steamers, viz, Rio de Janeiro, City of Tokio, Arabic, and City of Peking, with Chinese passengers holding certificates issued under authority of my Government. Their number has been greatly diminished, and I left with you a memorandum containing the exact figures.

In short, the Government of China desires to avail herself of the rights or privileges secured by the stipulations of the supplementary treaty, in order to continue her good faith and friendship.

I therefore beg to lay this before you, hoping that you, Mr. Secretary, will exercise your impartial judgment and consideration on this matter, in order that the pending Chinese question may be settled in accord with the stipulations of the treaty and the express provision of the fourth article, "to the end that mutual and unqualified benefit may result."

Accept, sir, &c.,

CHENG TSAO JU.

No. 53.

Mr. Frelinghuysen to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, February 21, 1884.

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, stating that the Chinese Government has temporarily suspended, with a view to adopting a more perfect measure, the issue of emigration certificates to those of her subjects who are entitled to visit the United States pursuant to the treaty of November 17, 1880, with China, and the act of Congress approved May 6, 1882, to carry into effect the provisions of that treaty.

I am desired by the President to say that he sees in the present action of the Chinese Government that spirit of international comity which, while creditable to the dignity of a friendly power like China, for whom we entertain the most cordial feelings, cannot but receive the

approbation of the Government and people of the United States, as it undoubtedly will.

I have had pleasure in transmitting copies of your note to the chairmen of the Committees on Foreign Relations and Foreign Affairs of the Senate and House of Representatives, respectively, and to the Secretary of the Treasury.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 54.

Mr. Cheng Tsao Ju to Mr. Frelinghuysen.

CHINESE LEGATION,
Washington, March 7, 1884. (Received March 7.)

SIR: I have the honor to inform you that, since the act relating to Chinese immigration went into effect, whenever resident Chinese subjects who are merchants, travelers, students, &c., have returned to China or have left for other countries, the Chinese consul-general at San Francisco, in accordance with the practice of consuls of other countries, has issued certificates to Chinese subjects leaving the United States. This has enabled them to furnish evidence on re-entering the country, when presented to the collector. This the Chinese consulate has been doing for more than a year with the knowledge of the customs authorities.

I have recently received a communication from our consul-general at San Francisco stating that on the 19th ultimo he received a note from the special deputy collector, Mr. Jerome (a copy of which I inclose), in which he states:

> I have determined to issue to Chinese merchants departing from the United States, on application, a certificate on the form inclosed, which will be furnished without charge, and be recognized on return of the holder as *prima facie* evidence of his right to re-enter the United States. This decision has been made public. Therefore, any certificates or passports issued by your office after this date will not be regarded by the customs officers upon presentation, &c.

I respectfully ask whether this decision is authorized by the Government of the United States?

Article I of the supplementary treaty provides that "the limitation or suspension shall be reasonable, and shall apply only to Chinese who go to the United States as laborers, other classes not being included in the limitations." Article II states that "Chinese subjects, * * * as teachers, students, merchants, or from curiosity, &c, shall be allowed to go and come of their free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation." Now, when the Chinese consul-general issues certificates to returning Chinese merchants, they consider it a great convenience; besides, it is the most satisfactory evidence to be used on re-entering the country. If such certificate is totally ignored, it seems to me that privileges, &c., guaranteed by treaty stipulations to the exempted classes, permitting them "to go and come of their own free will and accord," and to enjoy the same "rights, privileges, immunities, and exemptions as are enjoyed by the citizens or subjects of the most favored nation," cannot be enjoyed by resident Chinese merchants, &c., under the above decision.

The collector at San Francisco has been, in accordance with the act, issuing certificates to Chinese laborers leaving this country, but he has never been in the habit of issuing certificates to Chinese merchants departing from this country. In doing this your Government has observed the treaty, treated the latter considerately, and made a distinction between the exempted classes and Chinese laborers. Now, if Chinese merchants and other exempted classes depart from the United States, the collector issues certificates to them. They are thus treated in the same manner as Chinese laborers. The consul-general, being Chinese, knows how to discriminate the different characters among the Chinese residents.

If an application for a certificate is made, it is very easy for him to make the investigation. If the Chinese merchants apply to the collector for certificates, nine out of ten not being able to understand the English language, they must depend upon an interpreter. This causes much inconvenience.

I lay the above points before you, Mr. Secretary, hoping that you will consider them fairly and justly, in order that the subject be treated in consonance with the provision of the fourth article of the supplementary treaty, "to the end that mutual and unqualified benefit may result."

Accept, sir, &c.,

CHENG TSAO JU.

[Inclosure 1 in Chinese minister's letter of March 7, 1884.]

CUSTOM-HOUSE, SAN FRANCISCO, CAL.,
Collector's Office, February 18, 1884.

SIR: This office has held that Chinese merchants, students, &c., arriving in the United States from China must have, in order to entitle them to land, the certificate prescribed by article 6 of the act of May 6, 1882.

The courts have decided that in some instances other evidence of a parol nature can be received.

In order to facilitate proof of right of resident Chinese merchants to land in the United States upon their return to this country, when such right is based upon previous residence, I have determined to issue to Chinese merchants departing from the United States, on application, a certificate on the form inclosed, which will be furnished without charge, and be recognized on return of the holder as *prima facie* evidence of his right to re-enter the United States. This decision has been made public. Therefore, any certificates or passports issued by your office after this date will not be regarded by the customs officers upon presentation, as all Chinese merchants entitled to receive our certificate can have the opportunity, free of charge, of availing themselves of the privileges and advantages thereof.

I am, &c.,

ED. B. JEROME,
Special Deputy Collector.

His Imperial Chinese Majesty's CONSUL-GENERAL,
San Francisco.

[Inclosure 2 in Chinese minister's letter of March 7, 1884.]

Certificate No. —.

CUSTOM-HOUSE, SAN FRANCISCO, CAL.,
Collector's Office, ———, —, 188–.

Descriptive list of Chinese merchant certificate furnished to the following Chinese merchant departing from the United States, to be produced to the customs officers on his return.

DESCRIPTION.

Name.	Age.	Occupation.	Place of business.	Height.		Complexion.	Color of eyes.	Physical marks or peculiarities for identification.
				Feet.	*Inches.*			

This certificate is issued to facilitate proof of the bearer's right to return to the United States, and will be accepted as *prima facie* evidence of such right upon production to the proper officer of the customs at this port.

Custom-House, San Francisco, ——— —, 188–.

[SEAL.]

———— ————,
Collector of Customs.

No. 55.

Mr. Frelinghuysen to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, March 11, 1884.

SIR: I have the honor to acknowledge the receipt of your note of the 7th instant, relative to a recent certificate which the customs authorities at San Francisco propose to provide for Chinese merchants who are about departing from the United States and intending to return hither, and to say that the subject will have due consideration. To that end I have referred a copy of your note and its accompaniments to the Secretary of the Treasury, whose Department, under the statute, has supervision of the execution of the law of May 6, 1882, to carry into effect the provisions of the treaty of November 17, 1880, between the United States and China, and have asked that he give his careful attention to the arguments advanced by you in opposition to the certificate now proposed, and in favor of that which the Chinese consul-general at San Francisco has heretofore employed in behalf of merchants and other privileged classes under the treaty and law mentioned.

Upon receipt of Mr. Folger's reply I will take pleasure in addressing you further in reference to the subject.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 56.

Mr. Frelinghuysen to Mr. Cheng Tsao Ju.

DEPARTMENT OF STATE,
Washington, March 19, 1884.

SIR: Adverting to the Department's note to you of the 11th instant, I have now the honor to transmit, for your information, the inclosed copy of a letter addressed by the Secretary of the Treasury to the collector of customs at San Francisco, relative to the circular of which you complained, and which the customs authorities at that port propose to issue to Chinese merchants who are about departing from the United States

and intending to return hither. It will be observed that Mr. Folger has stated to the collector that the certificates issued by the Chinese consul-general at San Francisco to such subjects and other exempted classes under the treaty of November 17, 1880, are to be regarded as issued under the authority of the Chinese Government, as provided by the sixth section of the act of Congress approved May 6, 1882, and that such certificates are to be recognized as *prima facie* evidence of the holder's right to return to the United States.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Folger to the collector of customs.

TREASURY DEPARTMENT,
Washington, March 14, 1884.

SIR: I transmit herewith a copy of a letter of March 7, 1884, from the Chinese minister to the Secretary of State, with copies of inclosures numbered 1 and 2, the one dated February 18, 1884, the other dated March 7, 1884, purporting to have been issued from your office. This Department has not been officially notified by you of the issuance of the orders contained in said inclosures. Assuming them to be correctly set forth, and referring to the sixth section of the act of Congress approved May 6, 1882, to "execute certain treaty stipulations relating to Chinese," it appears to this Department that your announcement to the Chinese consul-general that any certificates or passports issued by his office after this date would not be regarded by the customs officers upon presentation is not in accordance with the provisions of said sixth section, which provides that "every Chinese person other than a laborer who may be entitled by said treaty and this act to come within the United States shall be identified as so entitled by the Chinese Government in each case, such identity to be evidenced by a certificate issued under the authority of said Government. * * * Such certificate shall be *prima facie* evidence of the fact set forth therein," &c.

It has been repeatedly held by the courts, notably by Justice Deady, in the United States district court of Oregon, in the case of Ho King, that the right of Chinese other than laborers to come into the United States does not depend upon the production of any certificate whatever, but that the want of such certificate may be supplied by satisfactory evidence *aliunde*. For the convenience of Chinese persons not laborers who desire to come into the United States, the sixth section above cited provides that a certificate in the form prescribed, issued under the authority of the Chinese Government, stating that such person is entitled to come into the United States, shall be *prima facie* evidence of the fact set forth therein.

The Department sees no objection to your issuing such certificates as you propose to any proper persons who may apply for them, but it regards certificates issued by the Chinese consul-general at San Francisco as issued under the authority of the Chinese Government, and, if in conformity with said sixth section, entitled to be treated as *prima facie* evidence. Such certificate, however, is not conclusive, and if there is any reason in any case to suspect fraud or imposition, the collector will make a rigid examination and refuse to allow the passenger to land until satisfactory evidence is produced. This conclusion is in accordance with the opinion of the Department of October 25, 1882, S. S. 5446, and with the opinion of Justice Deady above cited.

You will govern your course accordingly.

Very respectfully,

CHAS. J. FOLGER.

No. 57.

Mr. Cheng Tsao Ju to Mr. Frelinghuysen.

CHINESE LEGATION,
Washington, July 12, 1884. (Received July 12.)

SIR: I have the honor to inform you that I have received a communication from Mr. Huang Tsun Hsien, Chinese consul-general at San

Francisco, stating that on the 5th June last the steamer Rio de Janeiro arrived at San Francisco with a party of Chinese laborers bound for British Columbia, and applied to the consul-general for transit certificates, for the purpose of temporarily landing at San Francisco; that Surveyor Morton refused to permit them to land, and that our consul, Mr. F. A. Bee, addressed a note to the collector of customs, Mr. Sears, on the subject, whose reply (a copy of which I inclose) was that—

> Chinese laborers arriving at a port in the United States, and departing from the same port, are not in transit across the territory of the United States, and therefore not entitled to land, but should be kept on board ship and transferred to another vessel departing for a foreign port, &c.

The opinion of the honorable Attorney General dated 26th December, 1882, to you, Mr. Secretary, sets forth that "this Government does not think that a Chinese laborer coming to this country merely to pass through it can be considered as within the prohibition of the law, he being neither an immigrant nor a laborer coming here *as* laborer," &c.

The honorable Secretary of the Treasury issued a circular, dated January 23, 1883, in relation to the transit of Chinese laborers.

Chinese laborers applying to the consul-general for a transit certificate, in transit, either passing through the territory of the United States or touching at San Francisco, in their journey to or from the Hawaiian Islands, Panama, British Columbia, and other places, were carefully examined by him.

Having satisfied himself with their status as mere transient passengers, the consul-general issued to them the transit certificates. This practice has been accepted by the collector of customs, who, after examining the transit certificates, has hitherto permitted Chinese in transit to land.

There has not been a single case where the Chinese in transit remained in this country and evaded the circular of the Secretary of the Treasury. Now the collector states that the transit could not be applied to Chinese laborers *en route* to British Columbia, and that they should be kept on board ship and transferred to another vessel departing for a foreign port.

Besides, there are no steamers running directly to and fro between China, British Columbia, Panama, and other foreign ports on the American continent.

Thus Chinese necessarily touch at San Francisco before they can take another steamer going to or from those places. While waiting for a passage, sometimes they have to wait for ten days, and sometimes twenty days, as the departure of the vessel is uncertain. If they are provided with the consular certificate, they are still refused permission to land temporarily; so that the Chinese, wishing either to visit their relatives, or purchase things, or to find friends with whom to confer upon any transaction or business, cannot do so. This really would cause much inconvenience to them.

Moreover, if they were refused permission to land temporarily, and kept on board ship to wait for another vessel, despondency would pervade their minds and sickness might arise from it. It seems to me that the United States Government would not do such an inhumane act. Though the Chinese transient passengers are permitted to land temporarily, and wait for a passage by another vessel leaving for a foreign port, yet they do not remain in this country. There is no harm done to the United States.

I lay this matter before you with a view that you, Mr. Secretary, will exercise your impartial and fair judgment and consideration on the im-

migration act, in order, firstly, that the restrictions apply only to Chinese coming to the United States as laborers, but not to Chinese in transit, passing through this country or touching at one of her ports, and, secondly, that the Chinese transient passengers may be free from embarrassment.

Accept, &c.,

CHENG TSAO JU.

[Inclosure in Chinese minister's note of May 12, 1884.]

Collector Sears to Consul Bee.

CUSTOM-HOUSE, SAN FRANCISCO, CAL.,
Collector's Office, June 7, 1884.

SIR: Your communication of yesterday, calling my attention to the circulars of the Secretary of the Treasury dated January 23, 1883, relating to Chinese laborers in transit through the United States, is received, and after a careful examination of said order, and the opinion of the Attorney-General embodied therein, I am of opinion—

First. Subdivision 1 requires that when any Chinese laborer in transit through the territory of the United States enters at a port where there is a Chinese consul, said consul may furnish him with a descriptive transit certificate showing the place and date of his arrival, also the place from whence he intends to depart from the United States, and that his journey is to be continuous and direct, &c. Said certificates shall be accepted as *prima facie* evidence.

This first subdivision evidently refers to a Chinese entering one port of the United States and traveling across our territory to some other port in the United States, and thence departing for some foreign port. When the said Chinese reaches the port of departure in the United States, then his said transit certificate shall be received by the customs authorities there as *prima facie* evidence that he had the right only to cross the country, but not to remain in it.

Subdivision 2 requires that in the absence of such certificate other evidence may be received of the fact of a *bona fide* transit across the territory of the United States intended to be traversed. This subdivision also contemplates that the person is to traverse the territory of the United States to some other port for departure.

Subdivision 3 relates to a number of Chinese under charge of an agent, who may make affidavit that he will transport them without delay across the territory of the United States and deliver them on board ship. The purport of this subdivision is that the agent will take his body of Chinese from the port of entry to the port of exit, without unnecessary delay, *across the territory of the United States*, and place them on board some ship leaving for a foreign port. Again, this subdivision requires descriptive lists of all such Chinese to be made, showing the *place* of arrival and *place* of intended departure, the route to be traveled, and that a copy of the same shall be forwarded to the collector of customs at the *port of exit*, who will see that they all duly leave the United States.

It is clear to my mind that the whole tenor and purport of the order was intended to and does relate to Chinese crossing the territory of the United States.

I am further of the opinion that Chinese laborers arriving at a port in the United States and departing from the same port are not *in transit* across the territory of the United States, and therefore not entitled to land, but should be kept on board ship and transferred to another vessel departing for a foreign port, to which their tickets entitle them to go.

In regard to the system of "bonded security" established by you as a guarantee for the return of a Chinese landed who is in transit from one foreign port to another via this, arriving at and departing from this port, I beg to state that the bond does not run to the United States, and, if it did, I have been unable to find any authority of law for such bond.

A bond given to permit the performance of an unlawful act is void; therefore I must respectfully decline to grant permission for the said Chinese to land.

I am, &c.,

W. H. SEARS,
Collector.

Col. F. A. BEE,
His Imperial Chinese Majesty's Consul, San Francisco, Cal.

No. 58.

Mr. Tsai Kwoh Ching to Mr. Frelinghuysen.

CHINESE LEGATION,
Washington, July 31, 1884. (Received July 31.)

SIR: I have the honor to inform you that I have received from Mr. Huang Tsun Hsien, Chinese consul-general at San Francisco, a telegram in substance as follows:

There arrived in San Francisco on the 28th instant twenty-four Chinese merchants holding Chinese consular passports or certificates issued by that consulate. The holders are not permitted to land, by order and indorsement made by the collector as follows:

Refused to land, on account of non-compliance of new law.

These certificates are the same as referred to by the Secretary of the Treasury in a letter to the collector dated March 14, 1884; also a letter of the Secretary of State to his excellency the Chinese minister dated March 19, 1884. The steamship left China before the passage of the new law, and the exempt class could not comply with its provisions. If the action of the collector is carried out in these cases, it will be a great hardship to the Chinese merchants. Immediate attention is desired to this, as the ship departs on the 7th of August.

I submit most respectfully this matter to your excellency's just and impartial consideration, in the hope that your excellency will kindly request the honorable Secretary of the Treasury to grant those twenty-four Chinese merchants permission to land.

Such action on your part will be esteemed a great favor, and will be a further evidence of the friendly disposition of your Government towards that of China.

Accept, &c.,

TSAI KWOH CHING.

No. 59.

Mr. Davis to Mr. Tsai Kwoh Ching.

DEPARTMENT OF STATE,
Washington, July 31, 1884.

SIR: I have the honor to acknowledge the receipt of your note of to-day's date, concerning the arrival at San Francisco of twenty-four Chinese merchants bearing proper certificates under the law of May 6, 1882, and who have been denied permission to land by the customs authorities at that port for non-compliance with the provisions of the amendatory act of July 5, 1884.

I have had pleasure in transmitting a copy of your note to the Secretary of the Treasury, and in requesting him to telegraph the necessary instructions to the collector at San Francisco to permit the Chinese in question to land, as desired.

I avail, &c.,

JOHN DAVIS,
Acting Secretary.

No. 60.

Mr. Davis to Mr. Tsai Kwoh Ching.

DEPARTMENT OF STATE,
Washington, August 2, 1884.

SIR: I have now the honor to advert to my note to you of 31st ultimo, and the pleasure to inform you that I have this morning received a letter from the Acting Secretary of the Treasury, dated the 31st ultimo, in which he states that the following telegram has been sent to the collector of customs at San Francisco, viz:

Allow twenty-four Chinese merchants who arrived at your port on 28th instant, July, to land, without exacting evidence required by act of July 5, 1884.

Accept, &c.,

JOHN DAVIS,
Acting Secretary.

No. 61.

Mr. Frelinghuysen to Mr. Tsai Kwoh Ching.

DEPARTMENT OF STATE,
Washington, August 14, 1884.

SIR: I have now the honor, agreeably to my promise of the 17th ultimo, to advert to the note of the Chinese minister of the 12th ultimo, touching the transit of Chinese laborers across the territory of the United States.

The case presented is where a party of Chinese laborers, bound for British Columbia, arrived at San Francisco on board of the steamer Rio de Janeiro, June 5 last, and were refused permission to land by the customs authorities at that port, who required that the Chinese should be kept on shipboard until their transfer direct to another vessel departing for their place of destination.

The Chinese minister accordingly refers to the custom hitherto in force in regard to the transit of such Chinese across our territory, and complains that the decision of the customs authorities at San Francisco is in conflict with the opinion of the Attorney-General upon the general subject involved in such transit, dated December 26, 1882, to which reference is made.

In the case under consideration the point appears to have been, according to the interpretation of the law of May 6, 1882, by the customs authorities at San Francisco, that Chinese laborers arriving at a port in the United States from which they must take their departure for their destination outside our territory cannot be said to be *in transitu*, and consequently are not privileged to land.

Under the provisions of the act of Congress of May 6, 1882, the Secretary of the Treasury, as you are aware, was charged with the execution of the same, and I cannot permit myself to believe nor to think that the Chinese minister himself doubts that the collector of the port of San Francisco was prompted by any other motive than that of rigidly enforcing the letter of the law, in pursuance of his understood instructions,

having, at the same time, due regard for the personal rights and privileges of a class of inhibited persons.

The minister's note itself, moreover, confirms me in the opinion that in all previous cases where Chinese laborers have come to the United States and have necessarily proceeded by our territory to their place of residence in a foreign country, every reasonable and proper measure for their comfort and convenience has been cheerfully accorded. It may, I think, be safely assumed, then, that the action of the collector in not permitting the Chinese laborers to land, under the circumstances of the present case, was from a sincere and natural desire to perform his duty as he understood it.

Be that as it may, the question will at once be referred to the Attorney-General, to decide what the rights of Chinese laborers *in transitu* are in view of the recent legislation of July 5, 1884, two copies of which law I herewith transmit.

It is no doubt a fact that the Chinese laborers who arrived at San Francisco by the Rio de Janeiro have ere this sailed for their destination.

I shall at once inclose copies of this correspondence to the Secretary of the Treasury, and upon receiving the opinion of the Attorney-General make haste to acquaint you with its purport.

I avail, &c.,

FRED'K T. FRELINGHUYSEN.

No. 62.

Mr. Tsai Kwoh Ching to Mr. Frelinghuysen.

CHINESE LEGATION,

Washington, October 4, 1884. (Received October 6.)

SIR: I have the honor to inform you that a telegram has been received from Mr. Huang Tsun Hsien, Chinese consul-general at San Francisco, stating that several Chinese merchants who have been in business for many years in the United States, and bearing certificates issued by the Chinese consulate under the act of 1882, arrived at San Francisco, with their families, in the steamer City of Peking, on the 1st instant, and were refused permission to land by the collector of customs at that port, on the ground that their certificates do not comply with the amended restriction act of July 5, 1884.

These merchants have long been residing in the United States, and their property and personal effects are all in this country, and as they have certificates issued by the Chinese consulate, under the authority of the Chinese Government, it is clear that they have the right under treaty to return to the United States.

I shall be grateful to you, Mr. Secretary, if you will cause the necessary instructions to be issued which will result in the liberation of these merchants and families; and as they are at present confined on shipboard, their case is one which asks for immediate attention.

Accept, &c.,

TSAI KWOH CHING.

No. 63.

Mr. Tsai Kwoh Ching to Mr. Frelinghuysen.

CHINESE LEGATION,
Washington, October 8, 1884. (Received October 8.)

SIR: I have the honor to inform you that I have received a communication from Mr. Huang Tsun Hsien, Chinese consul-general at San Francisco, stating that he is daily receiving applications from Chinese merchants residing in California for certificates of identification, who desire to proceed to China and foreign countries and return to the United States.

The subject having been brought to the notice of the collector of customs at San Francisco, he states that he cannot readmit any Chinese belonging to the exempt class to the country on a certificate issued here. During an argument recently made in the United States court, Judge Hoffman presiding, the court questioned the collector as to his views of the status of the exempt class of Chinese residents under section 6 of the amended restriction act, and he replied as follows: "The certificate must be issued in China by the Chinese Government, and viséd there."

The court then asked his views in regard to Chinese residing in foreign countries and who desire to come to the United States. The collector replied, " They must go to China and obtain certificates before they can come to the United States."

If the position of the collector be sustained, it follows that Chinese merchants and others belonging to the exempted class residing in the United States cannot visit China or any other country and return without obtaining credentials in China.

It also follows that Chinese exempts residing in foreign countries cannot come to the United States without first visiting China to obtain credentials.

Upon examining the treaty of 1880, I find that the restrictions apply only to Chinese laborers and not to Chinese merchants, who have the right "to go and come of their own free will and accord."

Now, the collector's decision, holding that these merchants must go to China to procure certificates before they may go abroad and return, impairs their right under the treaty, and I cannot believe this is the meaning of section 6 of the amended act. The section evidently alludes only to Chinese persons of the exempted class residing in China " who shall be about to come to the United States;" but no provision seems to have been made for the Chinese exempts residing in this country, nor for those in foreign countries, unless they are subjects of the latter. The certificate of the Chinese Government evidences the right of the holder " to come within the United States."

Many of the Chinese merchants in the United States have large interests in Victoria, British Columbia, the Sandwich Islands, Cuba, and Panama. Scarcely a steamer arrives from or departs for those countries without one or more of the class mentioned as passengers.

A large number of certificates was issued last year to this class of exempts by the Chinese consulate at San Francisco, under the act of 1882, and many of the holders have not yet returned to the United States. In a note of the Treasury Department to the collector at San Francisco, dated March 14, 1884, and inclosed in one of your excellency's

notes to the Chinese minister, it is stated that the certificate issued by the Chinese consul-general at San Francisco is to be regarded as issued under the authority of the Chinese Government, in conformity with the sixth section of the act approved May 6, 1882, and that such certificate is to be recognized as *prima facie* evidence of the holder's right to return to the United States.

Now, if the collector at San Francisco insists that these merchants cannot be readmitted into the United States without going to China to obtain new certificates, it would result in a great hardship to them, and would, in effect, prohibit their trade between those places above mentioned and the United States.

The Chinese Government will find it next to impossible to identify its subjects who have been for many years living abroad, and whose property and business are either in the United States or other countries.

It would also be impossible for the American consuls in China to ascertain the facts. Judge Hoffman, in the case referred to above, asked the collector, "How can a Chinese merchant who has been living in London or Valparaiso for twenty-five years be identified in China?"

It seems to me, however, that if the certificates be issued by a Chinese consul, this class of Chinese exempts will be properly identified, and that it will not violate the amended act.

Large numbers of Chinese merchants here desire to visit China and other countries on business, and, before doing so, they are pressing the Chinese consulate with the question of their right to return. I am therefore compelled to ask of your excellency a reply to the subjoined questions:

1. Where Chinese subjects residing in the United States and belonging to the exempted class desire to visit China or any foreign country, will the certificate of a Chinese consul, issued by authority of the Chinese Government, conforming to that prescribed by section 6 of the amended act, and presented by them, be considered *prima facie* evidence of their right to return?

2. Where Chinese subjects belonging to the exempted class and residing in foreign countries desire to visit the United States, will the certificate of a Chinese consul, issued by authority of the Chinese Government, conforming to that prescribed by section 6 of the amended act, and presented by them, be considered *prima facie* evidence of their right to enter?

An interpretation of the law on these points, Mr. Secretary, will give great satisfaction to a large number of Chinese subjects, and I venture to ask your early consideration of the subject.

Accept, &c.,

TSAI KWOH CHING.

No. 64.

Mr. Frelinghuysen to Mr. Tsai Kwoh Ching.

DEPARTMENT OF STATE,
Washington, October 17, 1884.

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant, in regard to a party of Chinese merchants who have lately

arrived at San Francisco, with their families, in the steamer City of Peking, and who have been refused permission to land by the collector of customs, on the ground that their certificates, being those issued under the act of 1882, do not conform to those required by the supplementary act of July 5, 1884.

I accordingly referred a copy of your note to the Secretary of the Treasury for his consideration.

By a letter from the Acting Secretary, of the 10th instant, it appears the collector at San Francisco was directed by telegraph to report the facts in respect of your complaint. His report confirmed your statement that the Chinese had not been allowed to land because they had not the certificates prescribed by the act of Congress of July 5, 1884. It was also stated that twenty six claimed the right to land on Chinese consular certificates issued to them at San Francisco prior to the passage of the act mentioned, and that the remainder had no certificates of any character.

This Department is informed that the judges of the United States circuit court at San Francisco have recently disagreed as to whether any evidence other than that prescribed by the statute of July, 1884, can be accepted as authority for permitting the landing in the United States of those Chinese who may fall under the provisions of that act.

This disagreement makes it necessary to have the question decided by the Supreme Court of the United States, to which it has been referred, and the executive branch of the Government, while inhibited by constitutional precepts from taking any step which might seem to interfere with the complete independence of the judicial branch, will endeavor to cause a speedy decision to be reached, in order that no undue hardships may accrue through delay, to those persons whose statutory rights are in question.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 65.

Mr. Frelinghuysen to Mr. Tsai Kwoh Ching.

DEPARTMENT OF STATE,
Washington, October 22, 1884.

SIR: I have the honor to apprise you of the receipt of a letter from the Acting Attorney-General of the 20th instant, in which he states that, as desired by this Department, application has been made to the Supreme Court of the United States for an advancement of the *habeas corpus* case of Chew Heong, a Chinese subject and former resident of the United States, and whose case was lately passed upon in the circuit court of the United States for California; and that the Supreme Court of the United States has fixed upon Monday next, "foot of the docket," for such hearing.

I may observe that this action has been taken by the Department in order that the acts of Congress of May, 1882, and 1884, in connection with the treaty of 1880 with China, may receive an early interpretation by the highest judicial tribunal in this country, and that such rights as properly belong to certain of His Majesty's subjects under the law and treaty may be conserved.

It is desired also that this decision may be obtained as a future guide to the Department in dealing with the cases which may be referred to it from your legation.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 66.

Mr. Frelinghuysen to Mr. Tsai Kwoh Ching.

DEPARTMENT OF STATE,
Washington, December 18, 1884.

SIR: I have now the honor, in connection with the Department's note to you of October 10 last, relative to the character of the certificate to be issued to the exempted class of Chinese subjects conformably to the statutes of the United States bearing upon the subject and the treaty with China of 1880, to herewith inclose a copy of a circular lately issued by the Secretary of the Treasury, from whom it has been received under date of the 13th instant, prescribing the rules regarding the admission into the United States of Chinese persons of the exempted class under the act of Congress approved July 5, 1884.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

[Circular relating to Chinese persons coming to the United States.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., December 6, 1884.

To officers of the customs and others:

To promote uniformity in the admission of Chinese persons of the exempt class under the act of July 5, 1884, the following rules are prescribed:

First. Chinese persons, other than laborers, who are now or who may hereafter be lawfully within the United States, and who may desire to depart from and return to the United States, may do so on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by a Chinese consular officer stationed within the United States. Certificates issued under the act of May 6, 1882, and decision 6240, before the passage of said act of 1884, are to be regarded as having the same effect as if said act of 1884 had not been passed.

Second. Chinese subjects, not laborers, desiring to come to the United States from countries other than China, may do so on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by a Chinese diplomatic or consular officer, if there be one at the port of departure, countersigned by a United States consular officer, or if there be no such Chinese officer stationed at such port, on a like certificate to be issued by a United States consular officer.

Third. The regulations contained in decision 5544, and dated January 23, 1883, relative to the transit of Chinese laborers through the territory of the United States, will be applied to all Chinese persons intending to so go in transit through the United States.

Fourth. Chinese persons who may be compelled to touch at ports of the United States in transit to foreign countries may be permitted to land, under the regulations of January 23, 1883 (S. 5544), so far as the same may be applicable, such persons to take passage by the next vessel leaving for their destination, or the voyage of which may form part of the route necessary to carry them to their destination.

H. McCULLOCH,
Secretary.

COLOMBIA.

No. 67.

Mr. Scruggs to Mr. Frelinghuysen.

No. 125.] LEGATION OF THE UNITED STATES,
Bogota, November 30, 1883. (Received January 3, 1884.)

SIR: Although the work of cutting the Panama Canal was commenced nearly three years ago, and has been extended throughout almost its entire length, yet the most important practical question connected with the enterprise has during all this time been left undecided. I allude, of course, to the question of locks.

At the International Canal Congress held in Paris in May, 1879, it was shown by American and English engineers who had made the matter a subject of special and careful study that the opening of a maritime water-way across the Isthmus of Panama without locks and parallel sluices would be an impossibility. Nevertheless, Messrs. Wyse and de Lesseps, who had never surveyed the route, but who held an exclusive "concession" from the Colombian Government, reiterated their purpose to open a canal from Colon to Panama *à niveau*, "without locks or hindrances of any kind." And since the "congress" had been called merely to ratify what these distinguished gentlemen and their associates had already agreed upon, their "plan" was finally adopted, amid much confusion, by a vote of 72 against 61.

It now turns out, however, despite the confident and oft-repeated assertions of M. de Lesseps to the contrary, that at least two locks will be necessary; and that, in addition, there will have to be parallel canals for the reception of the waters of the Chagres and other rivers, which range all the way from 42 to 78 feet above the sea-level, thus augmenting the original cost of the canal by nearly one-third.

These facts are reluctantly set forth in the recent report of Mr. Dingler, the chief engineer of the Panama Canal Company. I regret my inability to send you a copy of this important report. It is destined to have a marked influence upon the fortunes of the shareholders. I, however, transmit herewith a full synopsis of it, which I find in the London Standard of the 9th of October last.

I have, &c.,

WILLIAM L. SCRUGGS.

[Inclosure in No. 125.—From the London Standard, October 9, 1883.]

THE PANAMA CANAL.

[From our correspondent.]

PARIS, *Monday night.*

M. Dingler, the chief engineer of the Panama Canal Company, has just laid a report before the superior works committee which is of great interest to international commerce. Though the work of cutting the canal has been commenced throughout almost its entire length, yet several of the most important questions concerning the creation of the maritime water-way across the Isthmus of Panama had been left undecided. The report I now have before me, and which I have had some trouble to

procure, contains the solutions which it is proposed should be given those questions. Most people are under the impression that the entrance to the Panama Canal is to be open to the sea, without any locks or other hindrances. This, indeed, may have been the primitive intention of the originators of the scheme, but a more thorough study of the question has shown that though it would be possible to construct the canal under those conditions, there are forcible reasons for closing the canal with a lock-chamber at the extremity where it will join the Pacific Ocean. It has been ascertained that the tides in the Atlantic and Pacific differ very materially. At Colon, on the Atlantic, the difference between high and low water mark is not more than 58 centimeters, whereas at Panama, on the Pacific the average variation in the height of the water is 4 meters, and is sometimes no less than 6. Moreover, high water at Colon is about nine hours later than at Panama; therefore, when it is high or low tide at Panama the tide at Colon is half way between high and low. The maximum difference which could exist between the level of the waters of the two oceans would therefore be equal to half the height to which the tide rises at Panama, on the Pacific. If the canal communicated freely with the two oceans, there would be an alternate current from the Atlantic to the Pacific and from the Pacific to the Atlantic, the duration of each current being about six hours. It may be said that there would, moreover, be no slack water, as the level of the water in the two oceans is reached at the moment when the tide runs the strongest, that is to say, at half water at Panama. It would, under these circumstances, be rash to attempt to calculate the rapidity of the currents in the canal which would result from that situation. By comparison with the canals and rivers which empty themselves into the Bay of Biscay, M. Dingler, however, estimated that it would be something like 2 meters or 2½ meters per second. Naturally, at the point where a vessel was passing, the strength of the current would be increased in proportion to the size of the ship and the amount of water it displaced in the comparatively narrow channel. It is therefore clear to M. Dingler that if the canal were to be allowed to communicate freely with the two oceans the rapidity of the current in the canal would necessitate a suspension of navigation during a certain number of hours at each tide. It is clear, from the above, that the transit power of the canal would be considerably increased if it were possible to prevent the formation of the currents in the canal which would result from the action of the tides. To keep the promise made by M. Ferdinand de Lesseps, and to satisfy the requirements of navigation, it is necessary that vessels should be able to pass out of the canal into the Pacific and enter it from the ocean, at all times of the tide, without either difficulty or obstacle and without preoccupation concerning currents produced in the canal by the tide. To realize this, M. Dingler explains that it will suffice to establish lock-chambers at the Panama extremity of the canal. To enable vessels of all dimensions to enter and pass out of the canal at the Pacific end at all times, M. Dingler proposes that it should be made to terminate in three branches, each furnished with a lock-chamber capable of containing a vessel 180 meters long, one branch to be used by vessels entering the canal, the second for ships passing out into the ocean, and the third to be employed when one or other of the entrances may be under repair. The channel, 100 meters wide, leading from the sea to these locks, will have a uniform depth of 9 meters below low-water mark. It is estimated that to get a vessel through these locks will not take more than half an hour, which time will be much more than compensated for by the absence of strong currents in the canal. The construction of these locks at the Pacific end will enable the company to economize in the cost of constructing the canal something like 33,500,000 francs. If the entrance to the canal at Panama were not closed by locks, firstly (as M. Dingler proves in his report), the current would be so strong as to make the suspension of navigation necessary at certain times, and, secondly, the bed of the canal could not be made level from the Atlantic to the Pacific. It would be necessary to make it slope from Colon to Panama, the bed of the canal at Panama being made 2 meters below the level of the bottom of the canal at Colon. This would necessitate the removal of 10,000,000 cubic meters of soil, which would cost about 45,000,000 francs. The lock-chambers, &c., would cost about 11,500,000 francs, but their construction would permit of the same level being preserved from Colon to Panama, and thus spare the difference between 45,000,000 francs and 11,500,000 francs. M. Dingler points out that the economy of the 33,500,000 francs might thus be made, but leaves it to the superior works committee to decide the matter. If it should not determine to spare that outlay, he asserts that the locks at the Panama end should, nevertheless, be constructed, and the entrance to the canal at Panama closed whenever the currents were found too strong. M. Dingler's report then proceeds to explain how it is proposed to establish the port of Panama. It will be created on the canal, higher up than the locks. Calculating that it may be necessary to accommodate fifty vessels and a large number of local boats, it is proposed that for a distance of 5½ kilometers the minimum width of the canal shall be 160 meters. Vessels will thus be able to take up their positions on each side of the canal, and still leave a clear passage in the middle of at least 100 meters. At Colon the harbor will be created by the construction of a breakwater, which will protect the vessels from the heavy seas which so often prevail

in the Bay of Limon. To render the Panama canal a success there is a difficulty to be surmounted which did not present itself in the cutting of the Suez Canal. It is that of the presence of a large volume of water on the Isthmus. The rivers which would join the canal are, on the right bank, the Chagres, the Frijoles, the Agua Sarne, and the Gatuncillo; and on the left bank, the Obispo, the Baila Monos, the Jigaute, the Caño Quebrada, and the Emnidad. M. Dingler points out that it would be quite impossible to entertain the idea of permitting the immense volume of water which is carried by these streams and rivers, especially in the rainy season, to flow into the maritime canal, for it would cause violent currents, and the deposit which the water from the hills would leave in the canal would very shortly impede the navigation, and possibly necessitate its suspension. Without going into the long engineering particulars, it will suffice to say that it is proposed that this superabundance of river water shall be taken down to the sea by fresh-water canals on each side of the maritime canal. To avert the danger of floods during heavy rains, it is also proposed to create an immense reservoir in the upper valley of the Chagres. In conclusion, I may add that M. Dingler advises the creation of one large siding, about 5 kilometers long, half way between Colon and Panama, where two trains of as many as 25 vessels each could pass each other without either inconvenience or danger.

No. 68.

Mr. Scruggs to Mr. Frelinghuysen.

No. 127.] LEGATION OF THE UNITED STATES,
Bogota, December 8, 1883. (Received January 15, 1884.)

SIR: In August last I reported that, according to the representations of Dr. Galindo, minister of finance, the Panama Canal Company had agreed to loan the Colombian Government a half million dollars for two years, at 6 per cent. per annum, "without security or guarantee," and that this loan was quite independent of the $50,000 which the company had previously agreed to pay to the Government annually for the maintenance of a police force along the line of the projected canal. (See my Nos. 91 and 103, Foreign Relations of 1883.)

Bills were drawn upon the company in Paris accordingly, but one of them (for 200,000 francs) has been protested, on the ground that, as the half million loan was to include the $50,000 above referred to, the Government had already overdrawn its account. In reply to this Dr. Galindo now makes public a cablegram from M. de Lesseps, dated Paris, October 19 last, wherein it is admitted that the $50,000 was *not* included in the loan of half a million subsequently agreed upon.

The affair has created some excitement here, and, I may add, some anxiety on the part of the bank under whose indorsement the bills were negotiated. But it will probably end in the payment of the protested bill by the company, as it now has a special agent here trying to secure possession of certain waste lands on the Isthmus stipulated for in the Salgar-Wyse contract of March, 1878.

I have, &c.,

WILLIAM L. SCRUGGS.

No. 69.

Mr. Scruggs to Mr. Frelinghuysen.

No. 142.] LEGATION OF THE UNITED STATES,
Bogota, March 1, 1884. (Received April 10.)

SIR: You are already aware of the controversy between the Colombian Government and the Panama Canal Company resulting from the

purchase by the latter of the controlling interest in the Panama Railway Company; and likewise of the controversy between the same parties touching the payment of expenses incident to a military force along the line of the works of the canal.

I now have the honor to transmit, under separate cover, by this mail, duplicate copies of a report by the Colombian minister of finance to the Congress of the Republic "showing the progress and present status" of both these controversies. Its great length and my want of clerical assistance renders it quite impossible to send you an English translation, but its salient points may be briefly stated as follows:

The Colombian Government claims (1) that the canal company should pay the expenses of keeping up such a military force as may be necessary to maintain order and give security to the interoceanic transit along the line of the canal works, in accordance with a fair interpretation of article 8 of the contract of March 23, 1878;* and (2) that the company should pay to Colombia the indemnity reserved to the Republic in article 2 of the contract of July 5, 1867, with the Panama Railway Company, since by article 3 of the contract of March 23, 1878, this indemnity is made part of the consideration for the concessions to the canal company.

With reference to the first named, it seems that the company in Paris refuses to ratify the agreements of the 6th of June last, made with its agent in Bogota, for the payment of $55,000 annually for the maintenance of a military force along the line of the canal works, and that it now offers to pay only $20,000 annually for that purpose, which Colombia rejects. The clause of the contract (of March 23, 1878) on which the Government bases this claim is the last sentence in article 8, and reads as follows: "Será igualmente de cargo de la compañía el pago de los gastos que ocasione la mantencion de la fuerza publica que se juzque necesario para la seguridad del tránsito interoceánico;" or, being translated, provides that "the expenses occasioned by the maintenance of such a public force as may be deemed necessary to the security of the interoceanic transit shall be likewise paid by the company." The company, however, construes this as relating to the water transit, after the canal shall have been opened.

With reference to the second claim above mentioned, it is predicated upon the following clause in article 3 of the contract of March 23, 1878, and which I translate as follows:

> If the line of the canal to be opened from ocean to ocean should pass to the westward and northward of an imaginary straight line connecting Cape Tiburon with Point Garachine, the grantees shall come to some amicable understanding with the Panama Railway Company, or pay to it an indemnity to be determined according to the provisions in law 46, of the 16th of August, 1867, approving the contract of July 5, 1867, and amendatory of the law of April 15, 1850, relative to the construction of a railway from ocean to ocean across the Isthmus of Panama.

Law 46, of the 16th of August, 1867, here referred to, merely approves the modified contract with the Panama Railway Company of July 5, 1867, the second article of which, in the English text, is as follows:

> The Government of the Republic binds itself, during the time that the exclusive privilege which is conceded to the company for the working of the railroad remains in force, not to construct for itself nor to concede to any person or company, by any title whatever, the power to establish any other railroad on the Isthmus of Panama; and it also stipulates that while the said privilege continues in force the Government shall not have the power of undertaking for itself, nor permitting any person to undertake without the concurrence and consent of said company, the opening or working of any maritime canal which may unite the two oceans across the said Isthmus of

* Made March 20, but ratified by Congress March 23, 1878.

Panama to the west of the line of Cape Tiburon, on the Atlantic, and Point Garachine, on the Pacific. But it remains stipulated that the right which is conceded to the company to give its consent does not extend to its opposing the construction of a canal across the Isthmus of Panama (except on the actual route of the railroad itself), but only to its exacting an equitable price for such privilege, and as indemnification for the damages which the railroad company may suffer by the rivalry or competition of the canal.

If the sum which may be demanded by the company shall not appear equitable to the Government of the United States of Colombia, then it shall be fixed by arbitrators in New York or Panama, one to be named by the Government and the other by the company; and in case of their not agreeing, the two shall name a third, whose decision shall be without appeal. In pronouncing their decision the arbitrators shall take into consideration the grounds upon which the company rests and the information which the Government shall give upon the matter, and in view thereof they shall decide, without appeal, as they may deem most just and equitable. The sum, whatever it may be, which shall be finally designated, shall belong, one-half to the railroad company and one-half to the Government of Colombia.

The Colombian Government contends, therefore, that whilst it is optional with the railroad company to demand indemnity, its failure to do so does not destroy Colombia's right to demand the moiety of such damages caused to the railway by the canal as may meet her approval or as may be fixed by arbitration; that if the canal company, in disregard of the reversionary interests of the Government in the railroad, have made certain negotiations with the railway company which evince a purpose to destroy or avoid rights incident to those interests and contrary to the spirit of the contract of March 23, 1878, the nation may, and ought to, demand of it damages therefor; that if those negotiations took the form of a purchase, at an exorbitant price, of a majority of the shares in the railway company, merely for the purpose of avoiding the payment of indemnity, the injury caused to the railway itself by opening a canal within the limits named will be none the less real; and that, as the Government was not consulted in such transaction, its rights in the railway cannot be held to be nullified or in any way impaired by it; consequently, the Government, as the ultimate owner of the railway, has no other alternative than in a demand upon the canal company for the moiety of any damages caused to it by the opening of a maritime canal along its line.

For the purpose of pressing this claim upon the canal company the Government commissioned a special agent* to treat with it in Paris.

The agent was courteously received, but his mission has proved an utter failure. The company, when pressed by him for some expression, stated quite plainly that the demand as presented could not be entertained. This led to a lengthy and somewhat acrimonious correspondence between Dr. Galindo, Colombian minister of finance, and M. de Lesseps, which you will find in the report to which I have already referred, but which, up to the present time, seems to have been wholly barren of any practical results.

I have, &c.,

WILLIAM L. SCRUGGS.

P. S.—Since the date of this dispatch, and before the closing of the mail, I learn that the President, in accordance with a resolution of the Senate, has instructed the Colombian diplomatic agent in Paris to suspend all negotiations with the canal company touching the reclamations referred to until Congress can take some action in regard thereto.

W. L. S.

---

*Dr. Gil Colunje, of Panama, formerly Colombian minister for foreign affairs.

No. 70.

Mr. Scruggs to Mr. Frelinghuysen.

[Extract.]

No. 156.] LEGATION OF THE UNITED STATES,
Bogota, May 12, 1884. (Received June 28.)

SIR: You are aware that the concession by the Government of Colombia to the Panama Canal Company includes large grants of land, not only along the line and at the termini of the canal itself, but also 500,000 hectares (or, say, about 800,000 acres) at such other places on or near the Isthmus as the company may select; and the Department has been already advised that the Colombian Executive, acting under authority conferred by law 28, of May 18, 1878, formally ceded to the company, in December last, the lands stipulated for in the concession referred to. A board of commissioners appointed and sent out by the company in Paris is now understood to be engaged in locating and surveying these lands; and the company, it seems, no longer conceals a purpose to people them with French colonists, under the auspices of the French Government.

I learn that among the lands likely to be selected by this commission, is the uninhabited island of Coiba, on the outskirts of the Bay of Panama.

This island contains an area of about 140 square miles, and is said to be well supplied with fresh water and forest timber. It has, I believe, a very snug little harbor on the seaward side. A glance at the map will show its importance as a maritime station. It commands the approaches to the bay from the South Pacific. * * *

I infer, as well from certain intimations by the company's representative in this city as from the reports made to this legation by Mr. Consul Adamson, that the commission will endeavor to select a large tract of land near the port of David, in the district of Chiriqui, and that, in addition to its probable selections on the opposite or Atlantic side, it has in view a small uninhabited island or headland on the same coast.

These facts in themselves considered may not be deemed very important; but when considered in connection with the circumstances attending the Paris congress of May, 1879, and the subsequently developed foreign policy of the French Government, they are probably not without significance.

I have, &c.,

WILLIAM L. SCRUGGS.

COREA.

No. 71.

Mr. Foote to Mr. Frelinghuysen.

No. 33.] LEGATION OF THE UNITED STATES,
Seôul, October 22, 1883. (Received December 20.)

SIR: A noted innovation in the somewhat peculiar customs of this country occurred on the 20th instant, in the presentation of Mrs. Foote to their Majesties the King and Queen and the heir apparent.

Besides the royal family, only the minister of foreign affairs, who is a relation of the Queen, the court ladies, and the interpreter were present. It was attended with much ceremony, and is the first event of the kind which has occurred in the history of Corea.

I have, &c.,

LUCIUS H. FOOTE.

No. 72.

Mr. Frelinghuysen to Mr. Foote.

No. 31.] DEPARTMENT OF STATE,
Washington, November 12, 1883.

SIR: Recently, at the instance of the President, I tendered to Min Yong Ik, of the late Chosunese embassy to this Government, and two of his suite whom he should select, passage to Corea on board of the United States ship Trenton, which is soon to depart for eastern waters. The offer was duly accepted by the minister, and I have now to advise you of the receipt of a letter from the Secretary of the Navy of the 3d instant, in which he states that directions have been given to Capt. R. L. Phythian, commanding that vessel, to establish a general cabin mess, to be presided over by himself, for the purpose of caring for the Corean minister and suite while on board of the Trenton, the expense of which will be paid from the contingent appropriation for the Navy.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 73.

Mr. Foote to Mr. Frelinghuysen.

No. 46.] LEGATION OF THE UNITED STATES,
Seôul, Corea, December 17, 1883. (Received Feb. 2, 1884.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 27, giving a detailed account of the reception and attentions accorded to the special mission accredited by His Majesty the King of Tah Chosun to the Government of the United States. It is unnecessary for me to refer to the great interest which I have felt personally in the success of this mission.

The members of the embassy have not as yet reached Seôul, but already rumors of the cordial welcome extended to them by the Government and people of the United States are in circulation.

The opportunity afforded them to examine not only the practical working of our system of Government but to see our industries and to learn our sources of wealth and prosperity, as well as to come directly in contact with our citizens and to experience so many acts of personal kindness, cannot but produce a marked and beneficial result upon this strange and interesting people.

That they will surely and readily adopt advanced ideas there is no doubt, and out of the new growth will come national prosperity and

individual amelioration. Aside from any commercial considerations, the part which our Government has taken in this regeneration is not devoid of satisfaction.

I am, &c.,

LUCIUS H. FOOTE.

No. 74.

Mr. Foote to Mr. Frelinghuysen.

No. 70.] LEGATION OF THE UNITED STATES,
Seôul, Corea, April 29, 1884. (Received June 23.)

SIR: As an indication of the sluggishness of commerce in Corea I may mention that, exclusive of the Japanese and Chinese, only two foreign commercial houses, one American and the other British, have thus far made any attempt to establish agencies here. There is one notable cause for this, viz, there being no money other than copper cash, the traffic must necessarily be done by bartering one product for another; and our people either cannot successfully compete with the Japanese and Chinese, or they do not care to engage in this small business. It takes time to educate these people to their own necessities and to the superiority of foreign wares, and that pioneer work necessarily involves loss. I notice, however, small lots of coal-oil, foreign cotton goods, and other commodities on sale in the Corean shops. The export of Corean products will gradually stimulate the production and thus, with the means to purchase, the demand for foreign mer, chandise will increase.

I have, &c.,

LUCIUS H. FOOTE.

No. 75.

Mr. Foote to Mr. Frelinghuysen.

No. 83.] LEGATION OF THE UNITED STATES,
Seôul, Corea, June 17, 1884. (Received August 4.)

SIR: I have the honor to inform you that the United States ship Trenton, Capt. Robert L. Phythian commanding, arrived at the port of Jenchnan on the 31st ultimo, with members of the Corean embassy on board.

Large numbers of the Corean officials went from the capital to meet the returning envoy, Min Yong Ik, who arrived at Seôul on the evening of the 2d instant.

On the following morning he called upon me and expressed his gratification at the great kindness shown him by the Government of the United States, whereby he had been enabled to see the world. He said, "I was born in the dark; I went out into the light, and now I have returned into the dark again; I cannot as yet see my way clearly, but I hope to soon." Himself and Mr. Hong will become the leaders of the progressive party.

I am, &c.,

LUCIUS H. FOOTE.

No. 76.

Mr. Foote to Mr. Frelinghuysen.

No. 85.] LEGATION OF THE UNITED STATES,
Seôul, Corea, June 19, 1884. (Received August 4.)

SIR: On the 3d instant I received a letter from the president of the Corean foreign office, a copy of which is herewith inclosed, inviting the captain and other officers of the United States ship Trenton to visit the capital as the guests of the Government, a house having already been prepared for this purpose. I at once dispatched a messenger to the ship with the invitation, and on the 7th instant Capt. R. L. Phythian, Dr. E. S. Bogert, Chaplain W. O. Holway, Chief Engineer J. Trilley, Lieut. Asa Walker, Lieut. A. G. Berry, Engineer J. L. D. Borthwick, Lieut. C. G. Calkins, Dr. H. B. Scott, Ensign P. W. Hourigan, and Naval Cadet W. J. Wilson arrived. Every attention was shown to them *en route*, an escort and sedan chairs provided, and an official of rank directed to accompany them. On the 9th they visited the foreign office, and on the 12th, in compliance with the wishes of the King, they were presented at court. Upon that occasion His Majesty took the opportunity again to express his appreciation of the great kindness shown by the Government of the United States to his envoys. The attentions, both public and private, shown to the officers of the Trenton were marked and significant.

I have, &c.,

LUCIUS H. FOOTE.

[Inclosure in No. 85.—Translation.]

Kim Peung Si to Mr. Foote.

To his Excellency LUCIUS H. FOOTE,
Envoy Extraordinary and Minister Plenipotentiary for the United States:

SIR: Permit me, on behalf of my Government as well as for myself, to express thanks for the great kindness manifested by your Government in sending her man-of-war to transport the Corean embassy to their home. We desire to invite the captain and officers of the United States ship Trenton to Seôul. I therefore have the honor to request your excellency to send Mr. Yun Ichi Ho to Jenchnan as a special messenger to convey this invitation to the captain and officers of the Trenton. By so doing you will place me under obligations.

KIM PEUNG SI.

No. 77.

Mr. Foote to Mr. Frelinghuysen.

No. 103.] LEGATION OF THE UNITED STATES,
Seôul, Corea, September 1, 1884. (Received November 3.)

SIR: Since my arrival here I have on one or two occasions received visits from the French Catholic priests stationed in Corea. Taking care that the fact of such visits was made known to His Majesty, I have, also, from time to time, freely expressed my opinion in regard to religious liberty, saying that it was one of the fundamental principles of our Government that every man should have the right to worship God

according to the dictates of his own conscience, and that all persecution for opinion's sake was held in utter abhorrence. In July last the Rev. R. S. Maclay, D. D., a Protestant missionary stationed many years in the East, visited Corea, with the view, if possible, of establishing a mission school and hospital. During his stay at Seôul he was a guest at this legation, and the object of his visit was freely discussed. There seemed to be no serious objection, and since his departure I have received the assurance of His Majesty that not only will no obstacle be thrown in the way, but that the establishment of a mission school and hospital at Seôul will be tacitly encouraged.

I have, &c.,

LUCIUS H. FOOTE.

FRANCE

No. 78.

Mr. Morton to Mr. Frelinghuysen.

[Extract.]

No. 464.] LEGATION OF THE UNITED STATES,
Paris, December 26, 1883. (Received January 10, 1884.)

SIR: The action of those opposed to the free admission of American pork has produced such a result that all the efforts made by this legation during many months to obtain an entirely satisfactory settlement of this vexed question are likely to prove fruitless.

About two weeks ago Mr. Gaudin, a deputy from Nantes, the center of the French pork-packing business, introduced in the House a bill providing for a system of inspection of all salted pork coming from abroad. This bill, which is substantially the same as the one voted by the Chamber last year, but defeated in the Senate, and of which I sent a translation to the Department with my No. 146 of March 31, 1882, was referred to a committee, where it was expected to remain without being acted upon by the committee.

A few days ago, quite unexpectedly, Mr. Paul Bert, formerly a member of Mr. Gambetta's cabinet and a scientist of note, asked the Government in the Chamber to suspend the operation of the decree of November 27, again admitting the free importation of American pork, until the Chamber should have acted upon the bill introduced by Mr. Gaudin. Mr. Paul Bert grounded his request on motives of public health; he described in vivid terms the fearful consequences of an epidemic of trichinosis, and asserted that he knew from his own personal experiments as well as by those made by others that trichinæ did not exist in French pork and did exist in foreign pork.

Mr. Herisson, the minister of commerce, replied to Mr. Paul Bert that the Government could not comply with his request; that its action in the matter had been duly considered, and that he and his colleagues were satisfied that the free importation of American pork would not be attended with any danger to the public health.

This plain and unequivocal answer did not satisfy Mr. Paul Bert, who moved to interpellate the Government on the question. The interpel-

lation was granted, and it came before the House on Saturday last, the 22d instant.

Mr. Paul Bert repeated his request to suspend the operation of the decree canceling the one prohibiting American pork until some definite action be taken by the Chamber, and submitted the following order of the day:

"The Chamber considering that it is proper to delay the admission of American pork until after the debate upon the bill now pending, passes to the order of the day."

Mr. Herisson declared that he was obliged to oppose this order of the day; that, as stated before, the Government had acted only after mature deliberation, and upon the advice of the Academy of Medicine; that not a single case of trichinosis had been detected either in England, in Belgium, and in Switzerland, where American pork is freely introduced, or in France when free importation was the rule; that the epidemic of trichinosis, which recently appeared in Germany, was known to have been caused by German pork, and that consequently there was no good reason to recall a measure which was satisfactory to so many people and open to so little objection.

Mr. Paul Bert said that the facts stated by the minister were not as conclusive as he supposed they were; that trichinosis was not easily detected; that its diagnosis was exactly the same as typhoid fever, and that it was very likely that many people had died of it without the cause being made known; and that, contrary to an opinion generally shared, salt did not kill the trichinæ, nor did the cooking except when the boiling of the meat is carried to 70° centigrade. In short, he believed the danger arising from the free admission of foreign pork was very great, and he thought it would be very unwise not to regulate in some way its importation into France.

Finally, after a long debate, in which the same arguments were asserted and reasserted in many shapes, the question came to a vote, and the order of the day, proposed by Mr. Paul Bert, was carried by 272 votes against 153.

It is but simple justice to state that Mr. Herisson earnestly opposed every effort of Mr. Paul Bert and of his associates in behalf of the French hog raisers and packers. It is admitted openly that public health has little bearing upon the subject in its present stage; it is simply now a question of protection.

* * * * * * *

I have, &c.,

LEVI P. MORTON.

[Postscript.]

PARIS, *December* 28, 1883.

To comply with the vote of the Chamber it was decided yesterday in cabinet council to prohibit the free importation of American pork until parliamentary action is taken in the matter. In the mean time American pork will be admitted at the ports of Havre, Bordeaux, and Nantes, where an examination of the meat will take place under the control and at the expense of the Chambers of Commerce of those places.

This measure is satisfactory to the French importers, but the protectionists will probably oppose it, as many of the members of the Chamber of Commerce are interested in making the inspection as easy as possible. It is to be feared, therefore, that the propriety of this measure will be questioned in the Chamber.

The department of commerce contemplates the introduction of a new bill providing for a system of inspection.

* * * * * * *

The National of last night, speaking of this bill (the one recently introduced into Congress for the purpose of empowering the President to prohibit the importation of articles injurious to public health from countries which on the same ground prohibit American products), says "it was at first directed against Germany only; but that, in consequence of the recent vote of the Chamber postponing the removal of the restriction on American pork, France will now have to take her place by the side of Germany, and be equally made the victim of these reprisals. Owing to the order of the day of Mr. Paul Bert, French products are going to be driven out from America. It belongs to the Government to take steps as early as possible to prevent an eventuality which would be so damaging to French commerce."

L. P. M.

No. 79.

Mr. Frelinghuysen to Mr. Morton.

[Telegram.]

WASHINGTON, *December* 27, 1883.

Mr. Frelinghuysen informs Mr. Morton that he is in receipt of complaints of great injury to large commercial interests of the United States through the vacillating action of the French authorities; that Mr. Morton's diligence in the matter of prohibitory decree is appreciated, and it is not doubted that he will continue his energetic action to secure its permanent repeal.

No. 80.

Mr. Morton to Mr. Frelinghuysen.

[Telegram.]

PARIS, *December* 28, 1883.

Pork again prohibited until the Chamber passes upon the bill to inaugurate a system of inspection. Meantime it will be admitted at the ports of Havre, Bordeaux, and Nantes, subject to inspection under the direction of the chambers of commerce of those cities.

MORTON.

No. 81.

Mr. Morton to Mr. Frelinghuysen.

[Telegram.]

PARIS, *December* 28, 1883.

The withdrawal of the decrees of 27th November, which will be published to-morrow, limits the time for the admission of American pork products to the 20th January at the ports of Havre, Bordeaux, and Marseilles instead of Nantes.

Telegram of yesterday received this morning.

MORTON.

No. 82.

Mr. Morton to Mr. Frelinghuysen.

[Telegram.]

PARIS, *December* 29, 1883.

It was stated in Chamber that Dr. Dettmar, who was charged by American Government to investigate trichinosis question, advised in his official report that all the hogs of the districts where trichinæ had made its appearance should be destroyed. Important to be fully informed.

MORTON.

No. 83.

Mr. Frelinghuysen to Mr. Morton.

[Telegram.]

WASHINGTON, *December* 29, 1883.

Dettmers stated, incorrectly, in 1878–1879, in report on swine plague, not trichinæ, that disease was very prevalent in West, and hogs laboring under it were carelessly sent to market. He has since, in newspapers, expressed erroneous views on swine disease generally in the West. Curtis, a thorough expert, who is investigating trichinosis, reports to Agricultural Department that there is very little disease of any kind; that Dettmers is mistaken; that great care is taken by breeders and packers to send healthy pork to market. Commissioner Agriculture entirely accepts Curtis's statement. At meeting Swine Breeders' Association unanimously stated no disease whatever had occurred among swine in Illinois, Michigan, Indiana, Wisconsin, and Ohio, whence members were present.

FRELINGHUYSEN.

No. 84.

Mr. Frelinghuysen to Mr. Morton.

[Telegram.]

WASHINGTON, *January* 2, 1884.

Represent that decree published 29th, only allows three weeks, till 20th January, for importation American pork at three ports named. As we have only occasional steam communication with Bordeaux and Marseilles and none with Nantes, first named as a port, it is probable that *bona fide* shipments for France may have been made by sailing vessels. You will ask that the time be extended to February 1 for all vessels, and that in case sailing vessels show legitmate shipments made before December 29, entry be granted, subject to any reasonale inspection.

FRELINGHUYSEN.

No. 85.

Mr. Frelinghuysen to Mr. Morton.

No. 413.] DEPARTMENT OF STATE,
Washington, January 2, 1884.

Sir: For your information I send herewith copies of telegrams received from Chicago on the recent vote in the French Chamber of Deputies reinstating prohibition of importation of American hog products:

CHICAGO, *December* 26, 1883.

HON. FRED'K T. FRELINGHUYSEN,
Secretary of State, Washington:

The recent vote in French Chamber of Deputies reinstating prohibition of importation of American hog products is as you are aware a serious blow to the provision interests of the whole country as well as those of the farmers of the Northwest.

Understanding that the French Government is favorable to the withdrawal of the prohibitory decree, and believing that Congress when reassembled will define a retaliatory policy, we ask that you will instruct our minister to France to work with utmost energy to bring about repeal of decree, intimating, if you think proper, that such action by Congress is probable. This we know would be of greatest value and would undoubtedly produce most favorable results.

ARMOUR & CO.

CHICAGO, *December* 27, 1883.

HON. FRED'K T. FRELINGHUYSEN,
Secretary of State, Washington:

I earnestly urge your special attention to the dispatch sent you by Armour & Co., of this city, regarding the French prohibition of hog products. If continued it will be a serious blow to American capital and a heavy loss to our manufacturing and farming interests.

Prompt action seems to me necessary.

R. W. DUNHAM, *M. C.*

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 86.

Mr. Morton to Mr. Frelinghuysen.

No. 466.] LEGATION OF THE UNITED STATES,
Paris, January 3, 1884. (Received January 18.)

SIR: On the 26th ultimo (dispatch 464), I informed the Department of the resolution voted by the Chamber of Deputies, a few days before, expressing the desire that the free admission of American pork be again suspended, and of the action the Government felt compelled to take in consequence of this vote.

When my dispatch was forwarded (Friday, the 28th), I had not seen the text of the new prohibitory decree, which was only issued on the following day, but my telegram of the same evening, of which a copy is herewith inclosed, gave you its substance. I have the honor of sending to-day a copy and translation of the decree, and of a report of the minister of commerce to the President, explaining his motives.

At the President's reception on New Year's day I had occasion of recurring again to this subject with the president of the council and the minister of commerce, and I am glad to say that both seem as desirous as I am of securing the permanent removal of any obstruction to the

importation in France of American pork. I remarked to Mr. Ferry that I had not failed to inform you of his sincere desire to comply with my requests in the matter, and that I was in receipt of a dispatch expressing your appreciation of his friendly language and course, and instructing me to convey to him the satisfaction felt by the Government of the United States with his action, which I intended to do in a more formal manner. "This action of ours," said Mr. Ferry, "is not over; we do not intend to leave the matter as it now stands; we are collecting facts and scientific opinions which are of such weight that they cannot fail to impress favorably the Chamber." Mr. Herisson confirmed this statement.

It cannot be doubted that there exists in the public mind a strong prejudice against American pork, a prejudice which has been unfortunately to some extent created or aggravated by certain American newspaper articles of which the French protectionists adroitly took advantage. It was in reference to a statement made upon the authority of an American scientist that I telegraphed you to ascertain the correctness of those attributed to Dr. Dettmar. Your answer furnished me with valuable information, the insertion of which I procured in all the leading French as well as in other papers.

Your cipher dispatch of the 27th ultimo, expressing your satisfaction with my diligence in the matter, and the hope that energetic efforts would be continued to secure the permanent repeal of the prohibition, was duly received. I highly appreciate the expression of approval, and shall spare no exertion to second your efforts in this matter so important to our commerce.

I have the honor to inclose herewith copies of a note addressed to Mr. Ferry, on the 2d instant, of the telegrams above mentioned, and of the one given to the press.

I have, &c.,

LEVI P. MORTON.

[Inclosure 1 in No. 466.—Decree published in Journal Officiel.—Translation.]

DECREE.

The President of the French Republic, upon the report of the minister of commerce, decrees:

ARTICLE 1. The execution of the decree of November 27, 1883, is adjourned; is in consequence suspended until such time as provision is made by a law upon the introduction of pork into France, the importation of the said salted meat coming from the United States of America.

ART. 2. Nevertheless, for contracts already made, this meat can be admitted exceptionally until the 20th of January, 1884, by the ports of Havre, Bordeaux, and Marseilles, and upon the condition that it shall be stated that it answers to the description known in commerce under the name of "*fully cured*"; that it is healthy, that it is in a perfect state of preservation, and that the curing is complete.

This statement shall be made by experts specially appointed by the prefects.

The importers must declare before any discharge that they consent to pay the costs that the inspection of the experts may entail.

The maximum of the tariff of these costs shall be fixed by the chambers of commerce.

ART. 3. The ministers of commerce and finance are charged, each one in so far as he may be concerned, with the execution of the present decree.

Done at Paris, December 28, 1883.

JULES GRÉVY.

By the President of the Republic.
The minister of commerce,
CH. HERISSON.

[Inclosure 2 in No. 466.—Translation.]

Mr. Herisson's report to the President of the Republic.

MONSIEUR LE PRESIDENT: On the 27th November last I had the honor to submit for your signature a decree repealing that of the 18th February, 1881, which prohibited on the territory of the Republic the importation of salted pork coming from the United States. This measure was grounded upon the opinion of the Academy of Medicine and upon the decision of the consultative committee of public health of France, specially appointed to deliberate upon the matter.

The Chamber of Deputies, at its sitting on the 22d December, evinced the desire that the execution of the decree of the 27th November should be postponed until the discussion of a proposed law, of which it has already had notice.

The object of the decree annexed herewith is to satisfy this desire in suspending the importation of American pork.

In order, however, to avoid confusion in commercial transactions, I have the honor to submit likewise for your high approbation a temporary measure with the view of conciliating the various interests involved.

It is as well to recall in this connection that when the decree of the 18th of February, 1881, had for the first time edicted the formal prohibition of American pork, the importation of the said meat was none the less, in consequence of the importance of the operations engaged, authorized until May 20 of the same year, under the reserve of a microscopical examination.

The measure which I propose to you has been inspired by this precedent.

The meat can exceptionally enter France until January 20 next by the three ports of Havre, Bordeaux, and Marseilles, and under certain conditions to prove its harmlessness.

This very short period is proof that the measure of favor can only be really applied to goods at the present time in transit or for which engagements have been made.

With reference to the guarantees required for the public health, I thought I could do no better to do away with all fears than reproduce textually in the decree those which appear in the proposed law voted by the Chamber on the 28th March, 1882, and which has just been taken up again and supported before the same assembly by those of its members who have evinced the least desire for free importation.

It should be stated that the meat answers to the description known in commerce under the name of "*fully cured*"; that it is healthy, in a perfect state of preservation, and that the curing is complete.

The statements should be made by expert agents, appointed by the prefects, and the importers should declare, before any discharge, that they consent to pay the cost that may be incurred by the inspection.

If the advantages of the decree, which I have the honor to propose to you, appear to you of such a nature as to advise its adoption, I beg you, M. le President, to be so good as to affix your signature thereto.

Receive, M. le President, the assurance of my profound respect.

The minister of commerce,

CH. HERISSON.

[Inclosure 3 in No. 466.]

Mr. Morton to Mr. Ferry.

LEGATION OF THE UNITED STATES,
Paris, January 2, 1884.

SIR: It was an agreeable duty for me to inform my Government of the friendly manner in which you had received my earnest representations with regard to the long-standing prohibition of American pork, and of your liberal action in procuring the repeal of the obnoxious decree of the 18th February, 1881.

At the New Year's reception, at the Elysée, I intimated to you that I was in receipt of a dispatch from Mr. Frelinghuysen, in which he requested me to express to you his appreciation of your course in the matter, which I now take pleasure in doing more fully than I could yesterday.

"I have to request you," says Mr. Frelinghuysen, "to convey to the minister of foreign affairs the expression of the very great satisfaction which the liberal and enlightened course of the French authorities in reference to this matter, based upon thorough scientific investigation, has afforded this Government."

It is the hope of my Government, and my own, that this liberal action of your excellency will be continued, and that you will be able to bring about a permanent and satisfactory settlement of this question, which has been so unexpectedly and so unfortunately reopened by the resolution of Mr. Paul Bert.

I avail, &c.,

L. P. MORTON.

[Inclosure 4 in No. 466.—Extract from the Paris Morning News.]

We have received the following dispatch:

WASHINGTON, *December* 30, 1883.—The Secretary of State has telegraphed to the American minister at Paris, that a competent expert, Mr. Curtis, appointed by the Department of Agriculture to make an investigation as to trichinosis, reports officially that no disease exists among American hogs.

At a meeting of the Association of Western Swine-breeders it was unanimously resolved that in the five great producing States, Ohio, Illinois, Indiana, Michigan, and Wisconsin, no disease whatever existed among swine.

The discrimination of the French authorities against American pork is, therefore, made directly in the face of the evidence. A competent expert, appointed by the United States Government, reports that the disease, against which the prohibitive French legislation was directed, does not exist. As the object of such legislation is not to prohibit the pork itself, there appears to be, under the circumstances, no good reason for its continued existence.

No. 87.

Mr. Frelinghuysen to Mr. Morton.

No. 436.] DEPARTMENT OF STATE,
Washington, January 21, 1884.

SIR: I inclose herewith for your information copies of certain papers which have been filed in this Department in regard to the case of Alfred P. Jacob, of Philadelphia, Pa., who claims exemption from the performance of military duty in France upon the ground that he is an American citizen. It appears from these papers the father was naturalized during the son's minority. This made the son an American citizen without regard to place of birth. His American birth at Philadelphia is not pertinent, it being asserted that his father registered him in the French consulate as a Frenchman, and so his case may be considered precisely as though he had been brought to this country while a minor. But this gave no claim to military service. He was only 17 when his father's act made him an American citizen. He had never been within French jurisdiction. He could not therefore be a *deserter*. The United States passport given to him should have protected him. That was *prima facie* evidence of his right as an American citizen by our law, which France cannot disregard. The French Code says that all Frenchmen who become citizens of another country *by the laws thereof* lose French citizenship thereby. Had this want of respect to an American passport been brought to our attention at the time, this Government would have urgently protested. This does not appear to have been done. Young Jacob seems to have acquiesced and served his term. This personal acquiescence may possibly vitiate his right to relief or indemnity for the past, but it does not destroy the right of this Government to feel itself aggrieved (if the facts are found to be as stated) that a United States passport should have been disregarded. The least that France can do is to recognize that Jacob became a citizen by due operation of law, and strike his name off the roll.

You will therefore bring this matter to the attention of the foreign office with a view to having such action taken in the premises as may appear proper, upon full inquiry into all the facts of the case.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 436.]

Mr. Jacob to Mr. Frelinghuysen.

PHILADELPHIA, *January* 9, 1884.

SIR: Having been born in Philadelphia July 10, 1858, of French parents, and having lived and pursued my studies in said city till the age of 19, I have always considered myself an American citizen.

Nevertheless, after graduating at the Polytechnic College I went abroad with my family to remain a few years. I was drafted and incorporated in the French army against my will and right, as my father had been naturalized while I was under age and had voted.

I called on the American legation at Paris, but they were unable to clear the case owing to the fact that I had been registered at my birth at the office of the French consul at Philadelphia.

My papers and those of my father were presented to the French Government by the American minister, together with a written protestation signed by me and approved by the legation.

All this being of no avail, I submitted and was obliged, under pain of being considered a deserter, to serve for a period of four years in the army, never giving up the desire, however, of retaining my American citizenship.

Being now relieved of the French service I have returned to my native country, and I appeal to you to please take such measures as you may think proper to have my name marked off from the French roll, for, being a citizen of the United States, I wish to be able to travel as such on the continent without further trouble about the French army.

Inclosed you will find all my papers in testimony of the above statements, and I will be much obliged to you to return same.

Hoping you will consider my claims and answer favorably,

I remain, &c.,

ALFRED P. JACOB.

No. 88.

Mr. Morton to Mr. Frelinghuysen.

[Extract.]

No. 483.] LEGATION OF THE UNITED STATES,
Paris, January 22, 1884. (Received February 9.)

SIR: By special appointment I called yesterday on Mr. Ferry to ascertain his intentions in relation to the earnest representations I had again made with reference to the prohibition of our pork products and to call his serious attention to the agitation which the revival of prohibitory measures had created in the United States. I reminded him of his promise made on New Year's day that he would not let the matter rest there, adding that I had communicated to you his language, that the moment was critical, and that if some liberal steps were not determined upon on this side, Congress would no doubt adopt measures which might complicate the matter and render its solution less easy.

He said he remembered well his promise, and reasserted that his Government did not intend to let the matter drop, that the minister of commerce was preparing a bill which he hoped would give satisfaction to both countries, but that he had not pressed its presentation in order to enable public opinion to be enlightened as to the true bearing of the question; that the press had so widely and so liberally discussed it that he expected to find less opposition in the Chambers when the question was again brought before it.

Upon my inquiring the nature of the contemplated bill, he said that it would provide for an inspection, but it was the intention of the Gov-

ernment to make this inspection as light as possible, its object being mainly to show whether the meats were or were not *fully cured*, for the purpose of only rejecting the latter. In substance the bill is to be the same as the one which passed the Chamber in March, 1882, the more liberal conditions of which are embodied in the Gaudin bill, which caused the introduction of Mr. Paul Bert's resolution, and which is now in the hands of a committee of the house.

Mr. Ferry then asked if I could give him any definite information as to the character of the measures recently introduced in Congress in relation to the subject; what he desired particularly to know was what share our Government had in the action thus taken, and if any of the bills or measures mentioned by telegrams had official character.

I replied that though I had not received any communication from you with reference to the matter, I could safely give him the assurance that you had not proposed any of the measures to which he referred, as in our system of Government the Executive did not originate legislation, that these measures had been undoubtedly proposed by members of the two houses, under the pressure of public opinion, or at the suggestion of the large and influential class of people engaged in the pork trade, and that I had good reason to believe that very far from countenancing any unreasonable retaliatory measures you disapproved of them. I then gave him the substance of a late telegram published in the London Times, stating that you had intimated to members of the House of Representatives that it would be well to proceed with circumspection in the matter of authorizing the prohibition of the importation of certain goods from foreign countries which placed restrictions on the importation of American products; that the introduction in Congress of certain measures had already accomplished some good, and that it would perhaps be better to avoid actual legislation of a retaliatory character.

Mr. Ferry was much pleased with this statement. "These are," he said, "very good words; they convey wise advice and are calculated to facilitate us [meaning himself and myself] in the task we have jointly undertaken of settling this troublesome question."

* * * * * * *

In the course of the conversation referenee was also made to the establishment of a system of inspection of our salted meats by United States officers, and Mr. Ferry expressed the opinion that an inspection having this character would be received here with great satisfaction and might remove all the objections made by many people who still believed in trichinæ and trichinosis, and he was pleased to say that he was not one of them.

I have, &c.,

LEVI P. MORTON.

No. 89.

Mr. Morton to Mr. Frelinghuysen.

No. 486.] LEGATION OF THE UNITED STATES,
Paris, January 23, 1884. (Received February 9.)

SIR: With reference to your telegram received January 2, requesting me to ask that the time allowed for the admission of American pork in France be extended to the 1st of February, I have the honor to inform you that the application was made and granted.

I have, &c.,

LEVI P. MORTON.

No. 90.

Mr. Morton to Mr. Frelinghuysen.

No. 490.] LEGATION OF THE UNITED STATES,
Paris, January 31, 1884. (Received February 15.)

SIR: My telegram of yesterday gave you the substance of the conversation I had in the morning with Mr. Paul Bert in view of his opposition to the free admission of our salted meats. Although I had often met Mr. Paul Bert in official circles and at my house, I felt some hesitancy in approaching, on this subject, an expert with whom I could not attempt to discuss the matter scientifically, and one who had taken in this instance a hostile stand to his own Government. I thought proper to first suggest the idea to the president of the council, who favored the suggestion and even advised me to see Mr. Paul Bert, and appeared as anxious as I am to reach a practical understanding with regard to this difficulty.

I opened the subject with Mr. Paul Bert by stating very frankly that I had not called to enter upon a technical controversy with so distinguished a scientist with reference to the question of trichinosis, but simply as an American as friendly to France as I knew he was to America, and to express the hope that a man of his liberal views could devise some plan of action which would give satisfaction to both countries. I added that the matter had taken a threatening aspect in the United States, that our people could not understand why American pork should be prohibited in France while similar products were admitted from all other countries; that my Government and people had become impatient after waiting so long for a settlement always promised but never reached, and that the American Congress would move in the matter unless action was taken by the French Government.

Mr. Paul Bert said he was very glad I had presented the case so frankly and on broad grounds, and asked permission to state as frankly his position.

In the first place he was not a protectionist, his political principles led him to favor competition, and upon that ground he would open all the French ports to our hog products.

In the second place, he did not believe in any of the absurd notions entertained by so many people in relation to trichinæ and trichinosis. He knew that dead trichinæ did not injure the meat; he knew that a *certain* amount of salt killed it; he knew that a *certain* degree of cooking destroyed it, and he knew that there were no epidemics of trichinosis in the United States, where the consumption of pork was larger than in any other country; but he also knew that live trichinæ existed in American pork, for he had seen some, and that neither the salting nor the cooking *always* killed. If trichinosis was a malady affecting only individuals, he would not notice it. Some people would take it, some would die, others would recover, but trichinosis when once introduced in a country might become epidemic, and this was what he wanted to guard against. American and German pork were infected with trichinæ, French pork was not. His only aim was to guard French pork in this respect. The true and proper mode of reaching this end would be to determine by scientific experiments the exact proportion of salt necessary to kill trichinæ, and the exact length of time during which the meat is to remain in the brine, but this cannot be done in a few weeks, and not even in a few months. Inspection is, therefore, the

only remedy available. But inspection on this side, is attended with insuperable difficulties, because to be effective it must apply to every piece of meat. Now on the other side this difficulty does not exist, because if trichinæ is not found in certain well known parts of a whole hog, the animal is free from it.

Mr. Paul Bert dwelt at length upon this subject in a scientific manner, which I regret I cannot explain with his accuracy, but which struck me as having force. He assured me that he was moved purely by scientific consideration; that very far from having any intention of obstructing our commercial relations, he was desirous of increasing them in every way, and that he had not the slightest concern with the French packers. He promised to take up the matter earnestly and to spare no effort to devise some plan which would be acceptable to us; but repeated that in his opinion an American inspection would solve the difficulty much more easily than a French inspection. He was very careful, however, in pointing out that he meant a Government inspection, made by *national officials* under the supervision of the authorities at Washington, and not a local inspection made by State or city officers, in whom he would have no more confidence than in officials of the same kind appointed by the local authorities of France.

Mr. Paul Bert is to dine with me to-morrow with the president of the council and other members of the cabinet, and I may have something more to report in relation to this subject by the next mail.

I have, &c.,

LEVI P. MORTON.

No. 91.

Mr. Morton to Mr. Frelinghuysen.

No. 494.] LEGATION OF THE UNITED STATES,
Paris, February 5, 1884. (Received February 25.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 436, of January 21, 1884, regarding Alfred P. Jacob, who was drafted into the French military service, although he was born in the United States, his father, a native of France, having acquired American citizenship before the son was of age. I am instructed to bring the matter to the attention of the French foreign office, with a view of obtaining at least Jacob's recognition as an American citizen.

As the instructions of the Department are contingent upon the results of a full inquiry into all the facts of the case, I venture to submit the following remarks before taking any action in the matter:

When Mr. Jacob, senior, applied to this legation in 1879—Alfred P. Jacob's application, if made, is not recalled—he was informed that the case of his son was a clear one, but that there was only one safe way of proceeding to establish his rights. In the first place, he was to refuse military service, upon the ground that he was not a Frenchman. To this plea it was expected the military authorities would answer that they were not competent to pass upon a question of naturalization, but they would suspend action until Jacob could have the question decided by a civil court. He was then to apply to such a court and produce in evidence of his statement the papers with which he was possessed—passport, his father's certificate of naturalization, certificate of baptism, with an additional certificate given by the legation. The court

would examine these papers, and, if found genuine, would render a judgment declaring that the applicant was not a Frenchman.

It is only upon the production of such judgment that the French military authorities can strike off a name inscribed on the roll by authority of law. They have no discretion in the matter, nor has the Government itself. Mr. Jacob was informed of this, as are all others similarly situated. He did not, however, follow the course recommended, and insisted upon having his case submitted to the French Government. It was, but without the slightest hope of obtaining a favorable result. General Noyes called in person on Mr. Waddington, then minister of foreign affairs, explained to him the case and handed him, with warm recommendation, a petition drawn up and signed by Jacob's father.

The answer was exactly the one expected. The minister stated substantially that Jacob, being born before his father had been naturalized, was, in the eye of French law, a French citizen; that the minister of war had no authority to dispense with a service imposed on every Frenchman, and that, if he disclaimed French citizenship, it belonged only to the courts to pass upon the question.

There was no other recourse open to Mr. Jacob but the one which had been pointed out to him. He let the matter drop, his son was drafted and served without protest in the French army.

In presence of these facts I respectfully submit to the Department whether there is still occasion for making the application. I am directed to make an application which would undoubtedly bring the answer that Mr. Jacob must apply to a court of justice if he wants to correct his personal legal status as it now stands in France.

In stating this case, the Department refers to the article of the French Code which says that French citizenship is lost by acquiring other citizenship (art. 17). The reference is correct, but the article quoted is to be completed by article 1 of the Decree of 1811—which is law—stating that no Frenchman can be naturalized in a foreign country without the authorization of the Government. The French Government strictly adheres to this principle; but the *courts of justice* have very generally held that foreign citizenship acquired legally abroad is valid. There is no case on record at this legation of a Frenchman naturalized in the United States whose American citizenship was not recognized by the French courts of justice, on the ground that it was acquired without the consent of the French Government. But this article of the Code Napoleon has no bearing upon the case of Jacob. The article applicable in this instance is the tenth, which says that any child born of a Frenchman in a foreign country is French. Jacob's father was a Frenchman at the time of the birth of the son; the son is therefore a Frenchman in the eye of the French law, until a competent tribunal decides that he has renounced his national citizenship and acquired another one.

In this respect the French law, which is only an application of the principle common to all Latin races, that natural citizenship is a kind of nobility transmitted with the blood, stands in direct contradiction with the English and American principle, according to which citizenship is a fact primarily determined by the place of birth. This is one of the numerous conflicts of laws existing in the legislation of friendly countries, which are tolerated from comity and for which there is no other remedy than by special treaty. France and Switzerland recently recurred to this process for the settlement of conflicts of this very nature.

Awaiting further instructions in this matter, I inclose herewith copy and translation of Mr. Waddington's note to General Noyes, and copy of the certificate furnished to Mr. Jacob.

I may add that this case was not reported at the time to the Department, as it presented no peculiar feature, the ruling of the French Government being in this instance what it has always been in every similar case.

I have, &c.,

LEVI P. MORTON.

[Inclosure in No. 494.—Translation.]

Mr. Waddington to Mr. Noyes.

FOREIGN OFFICE,
Paris, April 9, 1879.

GENERAL: You were so good as to communicate with me on the 2d of this month with reference to the claim of Mr. Jacob, of French origin, a naturalized citizen of the United States, and who is desirous that his son's name should be erased from the recruitment lists in France. The personal status of this young man, who was born at Philadelphia in 1858, before his father had obtained American naturalization, has not, according to French jurisprudence, been modified by the change of his father's nationality. The minister of war finds it, therefore, impossible to withdraw him from the military obligations incumbent upon all individuals who have not lost their French capacity by one of the modes provided for by the civil code.

Moreover, questions of nationality are the exclusive attributes of the courts, and it is for Mr. Alfred Pierre Jacob, if he thinks fit, to lay before the competent jurisdiction the reasons that he may have for no longer considering himself a Frenchman.

I have the honor to return the documents hereto annexed, which you were so good as to communicate to me.

Receive, &c.,

WADDINGTON.

No. 92.

Mr. Morton to Mr. Frelinghuysen.

No. 495.] LEGATION OF THE UNITED STATES,
Paris, February 6, 1884. (Received February 25.)

SIR: Referring to your telegram received the 2d ultimo, informing me that the Commercial Cable Company had obtained permission to land on the coast of the United States, and requesting me to ask that the same privilege be given to the company in France, I have the honor to state that this application has been made and granted.

I have, &c.,

LEVI P. MORTON.

No. 93.

Mr. Morton to Mr. Frelinghuysen.

[Extract.]

No. 500.] LEGATION OF THE UNITED STATES,
Paris, February 8, 1884. (Received February 25.)

SIR:

* * * * * * *

I am happy to add, that the French Academy of Medicine has, with but one dissentient voice, voted that the Government may, without injury to the public health, withdraw the decree prohibiting the impor-

tation of American salted meats. Herewith you will find a printed slip giving the substance of their answer to the question propounded by the Government. I was informed, by a member of the Academy, some days since, of the probable result of the inquiry.

Mr. Ferry also made renewed inquiry regarding steps which had been taken to inaugurate American Federal inspection, the adoption of which system, he believes, would be the most satisfactory solution of the controversy.

I have, &c.,

LEVI P. MORTON.

[Inclosure in No. 500.]

THE LATEST VIEWS ON PORK.

The following are the answers of the French Academy of Medicine to the questions of the minister of commerce on the subject of the importation of foreign meat:

1. The symptoms of typhoid and trichinosis are so dissimilar in every respect that one epidemic could never be mistaken for the other.
2. The importation of foreign salt pork may be fearlessly authorized by the French Government, as it is clearly proved that no danger to public health has been caused by such importation.
3. Special international laws ought to be enacted by which guarantees against the importation of diseased meat may be made.
4. Possible instructions should be distributed to all vendors of foreign pork, who ought to be forced by law to hang them up in their shops in the same way that wine-shop keepers exhibit the statutes of the "Loi d'ivresse publique."

No. 94.

Mr. Frelinghuysen to Mr. Morton.

No. 450.] DEPARTMENT OF STATE,
Washington, February 12, 1884.

SIR: Your dispatch, No. 483, of the 22d ultimo, reporting your interview on the preceding day with M. Ferry in relation to the pork question, has been read with interest.

With reference to your communication to M. Ferry in regard to the telegram to the London Times, it is proper for me to observe that that telegram does not accurately represent the views of the Executive as communicated to Congress. I therefore inclose herewith for your information a copy of Executive Document No. 70, House of Representatives, Forty-eighth Congress, first session, and call your particular attention to the views expressed in my report to the President.

Adding that the President is much gratified to learn that the French Government is endeavoring to secure legislation allowing the importation of American pork into France upon terms favorable to the restoration of that branch of our commerce to its normal condition,

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 95.

Mr. Brulatour to Mr. Frelinghuysen.

No. 510.] LEGATION OF THE UNITED STATES,
Paris, March 6, 1884. (Received March 22.)

SIR: I have the honor to send herewith copy and translation of a bill published in the *Journal Officiel* of this morning in relation to the introduction into France of all salted, smoked, or preserved pork of foreign origin.

This bill, which was introduced by the minister of commerce, Mr. Herisson, and the minister of finances, Mr. Tirard, allows the importation of salted pork in France, through certain ports which are to be designated hereafter, provided said pork is fully cured, which is to be established by an inspection made by experts appointed by the local authorities and paid for by the importers at the rate of five cents per box or barrel, or three cents per piece of meat when not imported in boxes or in barrels.

The bill is prefixed with a long explanation (*exposé des motifs*), in which the Government states that it was upon the advice in favor of free importation, given by both the Academy of Medicine and the committee of public hygiene, that the President had canceled the decree of prohibition, and that it was reissued only to comply with the desire expressed by the Chamber in its sitting of December 22d, 1883. The present state of things, however, has given rise to many complaints and inconveniences. The French minister at Washington has made known that retaliatory measures applicable to French wines had been introduced in Congress, and French chambers of commerce have remonstrated against the continuance of a measure which might have such an unpleasant result. The Government therefore, being desirous of showing that it had no intention of prohibiting altogether these meats, and feeling convinced that the Chamber had no such intention, has come to the conclusion that an inspection, establishing that the meats imported in France are *fully cured* (that it is very carefully prepared, well preserved, and healthy), would be satisfactory to the Chamber.

A bill providing for such inspection is therefore submitted, with the expression of the desire of the Government that it will be acted upon as soon as possible.

The *exposé* winds up with the following paragraphs:

The question thus put is one the solution of which ought not to be delayed. From the moment the public health is assured, no reason any longer exists to deprive the population of an alimentary substance to which they had become used.

It is equally important to give to the United States a proof of our firm intention to favor exchange between the two countries. Already, upon the announcement that acceptable dispositions would not fail to regulate the importation of salted meats, a communication tending to the reduction of duties established in the United States upon works of art has been transmitted to Congress and recommended to their attention. There is no doubt, also, that the velleities of prohibition of our wines and liquors would fall through if the dispositions in question were put into execution.

We will add that the Government of the United States appears on their side disposed to take measures with a view to assure the good state of preparation of exported meats, and they announce their intention to establish at the ports of shipment a special service of inspection.

The *Journal Officiel* contains, also—

First, a long report in relation to trichinosis, made to the Academy of Medicine by Dr. Proust in the name of a commission composed

of Messrs. Bonley, Bronardel, Chatin, Colin d'Alfort, and La Boulbene, all men of high scientific standing, who agree in stating that, no case of trichinosis having been detected in France and in England, the importation of American salted pork can be authorized in France.

Second, a report on the same matter by Dr. Colin d'Alfort and the debate of the Academy pursuant to these reports, which debate ended by the adoption, without opposition, of the conclusion recommended by Dr. Proust and his commission.

The matter was brought yesterday before a committee of the House, which seems to favor the proposition of the Government. A paper states this morning that Mr. Paul Bert has also accepted the proposition, but expressed the opinion that the Government should inquire "as to the practicability of concluding a diplomatic convention with the United States for facilitating the inspection of salt meats in America before shipment." Mr. Bert believed that "American inspectors might act in accord with the French consuls in America, and after inspection give certificates as to the soundness of each cargo, which would obviate the necessity of renewed inspection on arrival in France."

I inclose herewith a copy of the *Journal Officiel* of this day containing the French text of the bill, with its introduction, the two reports to the Academy, and the debate thereon.

I have, &c.,

E. J. BRULATOUR.

[Translation.]

Project of law having for object the establishment of a service of inspection of pork of foreign origin salted, smoked, or preserved by whatsoever process, presented in the name of Mr. Jules Grévy, President of the French Republic, by Mr. Herisson, minister of commerce, and Mr. Girard, minister of finances.

DRAFT LAW.

ARTICLE 1. Salted pork of foreign origin, corresponding to the kind known in commerce under the name of "*fully cured*," may be imported into France through the points of the frontier on land and sea which shall be determined by decree.

ART. 2. At the moment of entry into France the importers should have a statement made that the imported meats correspond to the kind above mentioned, that it is healthy, in a perfect state of preservation, and that the salting is complete.

Special experts designated by the prefects shall be charged to make this verification, according to the mode of examination prescribed by the minister of commerce.

The expenses of the service of inspection shall be at the cost of the importers.

There shall be charged for inspection duty 25 centimes per case or cask, and 15 centimes per separate piece.

For minced meat, small and large sausages, &c., there shall be charged 3 francs per 100 kilograms.

The product of these duties shall be paid into the hands of the receiver of customs, who shall give receipt for the same and distribute it among the experts, according to the provisions which shall be determined by a decree.

The custom-house authorities shall only allow the meat to be removed upon the certificate of the experts, declaring that the conditions required by the first paragraph of the present article are fulfilled.

ART. 3. Shall be punished with imprisonment from two to six months and with a fine of from 100 francs to 500 francs those who shall introduce or attempt to introduce into France, without submitting it to the examination prescribed by the present law, pork of foreign origin, which shall be, besides, seized and destroyed.

Article 463 of the Penal Code is applicable to cases statutable by the present article.

ART. 4. Is and shall remain repealed the decree of the 18th of February, 1881, which prohibits the importation in France of salted pork of American origin.

No. 96.

Mr. Frelinghuysen to Mr. Morton.

No. 474.] DEPARTMENT OF STATE,
Washington, March 18, 1884.

SIR: With reference to your dispatch No. 494, of the 5th ultimo, in which you make a full statement of the facts relating to the case of Alfred P. Jacob, I have to say that the previous instruction was based on the absence of any report from the legation in the premises and the assumption that Mr. Jacob had voluntarily submitted to serve in the army without recourse to diplomatic protection. His case now, as it stands, is peculiar. By our laws he is an American citizen, his status as such dating from his father's naturalization.

By French law he is a recognized citizen through service in the army, which only a citizen can perform. That obligation to do military duty (whether rightly due or not) having been extinguished, no precise issue remains on which the status of Mr. Jacob could be carried before a court. To make the issue, the only available way would seem to be to present the case and ask that his name be stricken off. With this explanation you may make the request contemplated in our No. 436.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 97.

Mr. Frelinghuysen to Mr. Morton.

No. 477.] DEPARTMENT OF STATE,
Washington, March 25, 1884.

SIR: I transmit herewith a copy of a sworn statement of Mr. John B. Foichat, a citizen of the United States, who has been for the last nine years a resident of the State of Indiana, also a statement of several distinguished citizens of that state who are his neighbors, who vouch for his good character and standing. The facts upon which Mr. Foichat's claim rests, as you will perceive from a perusal of the memorial, and which for your greater convenience I condense, appear to be these, namely:

John B. Foichat, the claimant, was born in Bordeaux, France, on the 4th of January 1853; in 1870, when 17 years of age, he came to the United States, and has ever since resided in the State of Indiana. In May, 1883, he was regularly admitted to citizenship of the United States by the circuit court of the State of Indiana for Parke County. In August, 1883, he obtained a passport from this Department with a view of revisiting his native town and his relations there, and arrived in Bordeaux in September, 1883. On the 22d of November following he was arrested on the charge of having failed, when he attained the age of 21 years, to report for military service. He exhibited his passport and certificate of naturalization and demanded to be released and allowed to proceed on his way. These papers, together with his private papers, were seized and retained by the officers, and he was kept in the military prison at Chamberry two days and three nights; he was then handcuffed and taken to the military prison at Grenoble to be tried by court-martial; then he was imprisoned in a cell and his valuables all taken

from him. He was detained at Grenoble four days. His case at last reached the ear of B. F. Peixotto, esq., United States consul at Lyons, and through the efforts of that officer Foichat was released on the ground of his American citizenship.

There appears to be no reason for doubting the correctness of the claimant's statement. These, however, you will be able to satisfy yourself about by inquiry of the United States consul at Lyons, and if you find them substantially as stated, you will, I have no doubt, concur in the view entertained by the Department, that aside from the mere personal inconvenience and expense to which the claimant was subjected, the transaction involved an unwarranted and seemingly unnecessary indignity offered to a citizen of the United States which this Government cannot suffer to pass unnoticed. You will, under the conditions stated, *i. e.*, the facts found upon inquiry to be true, present the claim to the minister of state for foreign affairs with the earnest request on the part of this Government that the subject may receive from that of France early and just consideration, and that a reasonable pecuniary indemnity will be awarded and paid on behalf of Mr. Foichat. I do not allow myself to doubt but that the justice of the claim will be at once recognized by the French Government, animated, as that Government is, by the highest sentiments of liberality and fairness.

You will report the result of your proceedings in the matter to the Department.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 477.]

Mr. Harrison to Mr. Frelinghuysen.

UNITED STATES SENATE,
Washington, March 21, 1884.

SIR: I have the honor to inclose the sworn statement of John G. Foichat, a citizen of the United States and a resident of Parke County, Indiana; also the letter of Ared F. White, Esq., an attorney-at-law at Rockville, Parke Co., Ind. It seems clear from the statement made by Mr. Foichat that his rights as an American citizen have been wantonly and grossly invaded by the French authorities. I respectfully ask that such steps may be taken by your Department as are necessary to a full investigation of this case, and if the facts are found to be as stated by Mr. Foichat, that a proper demand for reparation may be made.

Very respectfully, &c.,

BENJ. HARRISON.

Mr. White to Mr. Harrison.

ROCKVILLE, IND., *March* 18, 1884.

SIR: Herewith I send you the affidavit of John G. Foichat, of our county, which will fully explain itself.

Mr. Foichat feels deeply aggrieved over his treatment and wishes such redress as is proper in such cases.

He knew of no better way than setting forth the facts by way of affidavit, and also having several citizens who knew him to unite in a request to the Secretary of State to take action in the matter, and then forwarding the papers to yourself and respectfully ask you to lay the matter before the Secretary. He is aware that your time is absorbed by your duties in the Senate, but he fully believes you will be interested in a matter of this character so much as to excuse a trespass upon your time, and will place the case with the proper authorities.

Yours, &c.,

ARED F. WHITE.

STATE OF INDIANA,
County of Parke, ss:

John B. Foichat, being duly sworn, on oath says: That he is a resident of said county and State since the —— day of ——, 1875; that he was born in Bordeaux, department of Savoi, in France, on the 4th day of January, 1853; that he emigrated to the United States of America when he was the age of 17 years, since which time he has been a resident of said United States, and of said State of Indiana the time above mentioned; that afterwards, to wit, on the 1st day of May, 1883, with intent of making said United States his future home and of becoming a *bona fide* citizen thereof, he did, at the April term of the circuit court of said county, make proof and take the oath of allegiance required by law, and at said time made oath to support the Constitution of said United States, all in due form of law; that thereupon there was issued to affiant, under the hand of the clerk of said court and the seal thereof, a proper certificate of said facts and of his becoming a naturalized citizen of said United States as aforesaid; that afterwards, to wit, on the 20th day of August, 1883, affiant desiring to visit his birth-place and his parents, who still reside there, and other relations who also resided there, there was issued to him in due form of law, from the office of Secretary of State of said United States, a "passport" which recited, among other matters, that affiant was a citizen of said United States, and requested all whom it might concern to freely pass affiant, and in case of need to give him all lawful aid and protection; that thereupon affiant, upon the 27th day of September, 1883, visited said town of Bordeaux and his said relatives; that being there for such purpose and none other and conducting himself lawfully and peacefully, he was, without cause, on the 22d day of November, 1883, at said town, arrested, by certain officers in the service of said Government of France, for the alleged reason of his failing to respond, when he came 21 years of age, to a demand of said Government to do military duty as required by said Government of her subjects. Affiant says that at said time, to wit, on the said 22d day of December, 1883, he made exhibit to said officers of his said passport and naturalization papers, and demanded to be passed, respected, and protected as a citizen of the United States, but that said officers did not respect his rights as such citizen, but, upon the contrary, and notwithstanding such demand and papers and passport, maintained said arrest and retained said passport and papers and thrust him in the military prison at Chamberry, in said department; that he was required to remain in said prison for a period of two days and three nights; that thereupon certain other officers of said Government put hand-cuffs upon affiant and took him to the military prison at Grenoble, in France, for the purpose of being court-martialed upon said charge of failing to respond for military duty as aforesaid; that thereupon they took from affiant all articles of value and then incarcerated him in a cell in said prison and kept him there for a period of four days upon coarse prison fare, and was not allowed to purchase any article of food such as he desired, but such request was denied; that thereupon he was released through the interposition of the consul of said United States at Lyons, to wit, Hon. B. F. Peixotto, consul at said place, upon the ground and for the reason that affiant was at the time of said arrest and imprisonment a citizen of said United States, as aforesaid; that during said imprisonment last mentioned he was allowed no reasonable time to communicate with said consul as to his release, but such privilege was delayed as long as possible; that no proper effort was made by said officers or other proper authorities of said Government of France to investigate said facts touching his said citizenship, and that they utterly failed to respect said papers and passport as they of right should have done.

Wherefore affiant says that his rights and dignity as an American citizen was disregarded and insulted by said Government of France by reason of the acts in the premises, and he humbly appeals to his Government and prays that such steps may be taken in the premises as will best cause due reparation be made by said Government of France for her acts above stated, to the end that the citizenship of affiant be respected and upheld, and for the dignity and protection of American citizenship in the future.

JOHN B. FOICHAT.

Subscribed and sworn to before me this 1st day of March, 1884.

ELWOOD HUNT,
Notary Public, Parke County, Indiana.

The undersigned citizens of Rockville, Parke County, Indiana, would respectfully represent that John B. Foichat, whose affidavit is attached hereto, is a citizen of this county and is of good repute for honesty and sobriety, and whose general reputation in all respects is good.

He has lived in our county a good many years, and has been a peaceable, industri-

ous, and law-abiding citizen. We unite most heartily in requesting such action as may be proper in such cases to be taken in his case, to the end that justice may be done him.

Your obedient servants,

A. F. WHITE,
Attorney-at-Law.
E. HUNT,
Attorney-at-Law.
EDWIN F. HADLEY,
County Auditor.
J. N. M. CAMPBELL,
County Treasurer.
J. M. DUNWIDDIE,
Deputy County Treasurer.
WM. J. WHITE.
F. H. BARNES.
SAM'L W. SMITH.
F. M. HOWARD,
Prosecuting Attorney Twenty-second Circuit, Indiana.
D. STROUSE,
Clerk Parke Circuit Court.
FRANK WHITE,
Deputy Clerk Parke Circuit Court.
M. W. MARSHALL,
Trustee Adams Township.
CLINTON MURPHY.

Hon. FRED'K T. FRELINGHUYSEN,
Secretary of State, U. S. A.

No. 98.

Mr. Morton to Mr. Frelinghuysen.

No. 555.] LEGATION OF THE UNITED STATES,
Paris, May 6, 1884. (Received May 22.)

SIR: I have the honor to inclose herewith copy of a note dated April 7, which, agreeably to your instructions, I address to Mr. Jules Ferry in relation to the case of Alfred Jacob, an American citizen by birth, but considered by France as French, with a copy of the reply of the minister of foreign affairs thereto, and a translation of the same.

The circumstances of this case, briefly recalled, are as follows:

Alfred Jacob was born in the United States. His father was a Frenchman, who became naturalized long after the birth of his son. Jacob, jr., having gone to France, was called upon to perform military service on the ground that being the son of a Frenchman he was French notwithstanding his foreign birth. He protested, declaring that he was an American citizen, but this protest was not accepted, the French Government stating that it had no authority in the matter, as all questions involving citizenship were to be determined in France by courts of justice. Jacob was thereupon advised to submit his case to a French civil tribunal, which he declined to do, and served in the French army. After having been honorably discharged, he returned to his American home and appealed to the United States Government with the view of securing the erasure of his name from the French military rolls, and the recognition of his American citizenship.

Your dispatch No. 436, of January 21, 1884, instructed me to make the desired application should the facts, as stated by Jacob, be found correct.

I have found them correct in the main, but before complying with the

instructions I deemed it proper to call the attention of the Department to the principles of law which govern the action of France in all cases of this kind, and intimated, in No. 494, of the 5th of February, that in the actual state of French legislation the application, if made, could not be granted.

Upon considering the peculiarities of the case and the hardship suffered by Jacob, who, although of American birth, was compelled to serve four years in a foreign army, the Department very properly thought that he had the right to ask the interposition of his Government, and your dispatch No. 474, of March 18, 1884, renewed the request contemplated in your No. 436.

It was made accordingly, but I regret to say with hardly any success. Mr. Jules Ferry replies by reasserting the reasons already given by Mr. Waddington in the note which is annexed to my No. 494, that the Government is powerless in such matters, that it cannot change the nationality of one who is French by law, and that now, as heretofore, Jacob has only two ways of establishing legally in France his change of nationality:

1. By applying directly to the French Government for the permission provided by law to acquire another citizenship.

2. To obtain from a court of justice a decision that he has lost his French citizenship.

Mr. Jules Ferry adds, however, that in view of the fact that Jacob has performed his active military service the minister of war would consent to his change of nationality should he apply to the minister of justice for the permission to do so.

I have, &c.,

LEVI P. MORTON.

[Inclosure 1 in No. 555.]

Mr. Morton to Mr. Ferry.

LEGATION OF THE UNITED STATES,
Paris, April 7, 1884.

SIR: In 1879, Alfred P. Jacob, born at Philadelphia, July 10, 1858, of Peter Jacob, a native of France, who became an American citizen on the 2d of December, 1874, applied to this legation to obtain the erasure of his name from the French military rolls. This request was presented by General Noyes to Mr. Waddington, whose reply, dated April 9, 1879, stated substantially that the personal status of Jacob had not been modified by the naturalization of his father, and that if he, the son, had lost his French citizenship it was for him to establish that fact before a French court of justice, which alone had jurisdiction in the matter.

Jacob, being unable to apply to the courts, allowed himself to be drafted into the French army, where he served four years, never giving up, however, his desire and intention of retaining his original American citizenship.

After having been honorably discharged he returned to his home in the United States, and asks now that his American citizenship be recognized by the French authorities, so that he may travel as such on the Continent without being liable to be called upon for further service in the French army.

In directing me to present this request to your excellency, my Government has expressed some surprise that an American-born citizen who had never resided in France, and who was possessed with an American passport, should have been compelled, notwithstanding his protest, to serve in the army of a foreign country.

My Government thinks as the obligation to perform military duty, whether rightly due or not, is extinguished, it does not appear that the status of Mr. Jacob can be carried before the courts, and that the only available way of obtaining the result desired by Mr. Jacob is to present the case and to ask that this American citizen be formally recognized as such.

I avail, &c.,

L. P. MORTON.

[Inclosure 2 in No. 555.—Translation.]

Mr. Ferry to Mr. Morton.

PARIS, *May* 1, 1884.

MONSIEUR: You were good enough to write to me on the 7th of last month with the view of obtaining the erasure from the lists of our army of Mr. Alfred Jacob, born at Philadelphia on the 10th of July, 1858, son of Pierre Jacob, of French origin, naturalized a citizen of the United States December 2, 1874.

One of your predecessors, General Noyes, had already made an application to my department in 1879, on behalf of this young man, then serving in the army, but the matter was not followed up as his alienage could not be established.

The personal status of Alfred Jacob could not be considered, according to our law, as having been modified by the change of nationality of his father, which change occurred subsequent to his birth. The question which arose was, besides, of the exclusive competence of the civil tribunals to whom the interested party has not seen fit to apply.

At the present time Mr. Alfred Jacob has completed his term of active service in our army, and he has retired to the United States. The Government of the Union requests that he may be definitively erased from the lists of our army, as a foreigner, in order that he may enter our territory without having to fear that he will be called upon for the fulfillment of his military duties.

The minister of war, to whom I hastened to submit this application, states in his reply that he finds, to his regret, that it is legally impossible for him to comply with the wish of the American Government.

According to the terms of article 10 of our Civil Code, Alfred Jacob is French, as having been born of a Frenchman in a foreign country.

The military administration is no more authorized to-day than it was five years ago, in the absence of a contrary decision made by the civil tribunals, alone competent to deal with questions of personal status, to consider the applicant as having lost his French nationality, in consequence of the naturalization of his father, which happened after his birth.

Our legislation does not admit in fact, like that of the United States, that the naturalization of the father applies to his children, born before the naturalization, no one in France having the right, by his act alone, to modify the status and qualifications of others.

Mr. Alfred Jacob is, then, French in our view, and he remains, in France, submitted to the obligations of the reserve and territorial army set forth by article 37 of the law of the 27th July, 1872; he could not be erased from our lists, except under a judgment declaring him a foreigner, or unless he became naturalized an American citizen after having obtained permission to do so from the French Government, but as he has finished his time of active service General Campenon would be quite willing to give his support, by a favorable note, to the application which the interested party would address, with that object, to the minister of justice.

Receive, &c.,

JULES FERRY.

No. 99.

Mr. Frelinghuysen to Mr. Morton.

[Telegram.]

WASHINGTON, *May* 27, 1884.

Mr. Frelinghuysen telegraphs Mr. Morton that it is understood that the French postmaster-general has refused permission to the Commercial Cable Company to land in France, except on condition that the French Government may purchase on one year's notice the Commercial cable line from Ireland to France. The United States considers this condition a violation of the first clause of conditions and agreement upon which the French Telegraphic Company of Paris and New York were allowed to land their cable on the shores of the United States in 1880. This says that the company is to receive no exclusive concessions from the French Government which would exclude any American cable

from landing on French territory and connecting with the inland telegraphic system of France. If France possesses a right to make conditions she would logically have the right to exclude, which is held to be contrary to the above-mentioned agreement. Mr. Morton is instructed accordingly to make proper representations to Mr. Ferry.

No. 100.

Mr. Brulatour to Mr. Frelinghuysen.

No. 571.] LEGATION OF THE UNITED STATES,
Paris, June 19, 1884. (Received July 3.)

SIR: Mr. Morton, upon receiving your telegraphic instruction to remonstrate against the qualified instruction given to the Commercial Cable Company to land in France, as being in violation of the agreement of 1879, called on Mr. Ferry, to whom he explained the grounds of your formulating objection. With a view of precising the question, and of recalling it distinctly to the president of the council, Mr. Morton addressed to him the next day a written communication, stating again the case as you understood it, and expressing the hope that our friendly representation would be well received.

The reply of Mr. Ferry, dated the 12th, only came to hand on the 15th. It is a mere summary of a note from the minister of posts and telegraphs, Mr. Cochery, which he transmits at the same time.

Mr. Cochery, in this note, touches points not directly at issue, but, with reference to the main question, he confines himself to the statement that the Commercial Cable Company, having no direct communication with France, cannot be assimilated to the French company, and he dismisses the complaint in relation to the right which the Government has reserved to withdraw the privilege granted, upon giving one year's notice, by simply asserting that this is a "general police right which exists by right in all concessions."

With the object of not letting Mr. Ferry remain under the impression that so unsatisfactory an answer to our reasonable complaint could be accepted, in acknowledging the receipt of his communication I said that, having no instruction to discuss this matter, I had referred it to you, but explained at the same time my inability to conciliate the position taken by the minister of posts and telegraphs with the plain terms of the agreement of 1879.

The minister of foreign affairs, in his summary of the note of Mr. Cochery, states that the permission given to the Commercial Cable Company to lay a cable across the channel is an exceptional favor which has not been granted heretofore to any other company.

By a contract made in 1859 the French Government has ceded to the Submarine Telegraph Company the monopoly of connecting by cable France with the British Islands.

This monopoly, which expires in 1889, is subject, however, to one exception—the French Government has reserved the right of authorizing the establishment of one line connecting France with Ireland for the exclusive purpose of transmitting dispatches to and from America. This right having never been availed of, the French Government would have really conferred an exceptional favor upon the Commercial Cable Company by transferring it to that company. But this was not done,

and the Commercial Company had to purchase from the Submarine Telegraph Company the privilege of laying the cable which will connect France with Ireland, a privilege already conceded for a consideration to the French and English lines. The exceptional favor granted to the Commercial Cable Company consists, therefore, in consenting to make no objection if the Submarine Telegraph Company is willing to make use of its monopoly to the advantage of France.

The minister of foreign affairs states also that the privilege given to the Commercial Cable Company is not limited to 1889, as that given to the other companies. That is true; but its privilege can be suppressed at any time upon one year's notice being given.

Thus, while the English company secured a lease of twenty years and the French company a lease of ten years when they were organized, the Commercial Cable Company can never be sure of existing more than one year.

In both the French and American concessions the telegraphic rate is limited; but if the American company finds it necessary to reduce its tariff in order to compete with the other lines, it cannot raise it again without an authorization of the Government, an authorization which may be withheld for a certain time and which is not needed by the English company.

Mr. Cochery in his note lays much stress upon the fact that the Commercial cable touches Ireland before reaching the United States, a fact from which he draws the inference that it does not thus connect directly the two countries. Mr. Cochery himself seems to have been of a different opinion when he drew up the conditions upon which the Commercial Cable Company was to receive its privilege, for article 1 of these conditions states that the company is authorized "to land upon a point to be determined a transatlantic cable connecting *directly* France with North America by touching at an intermediary point in Ireland, and which is to be used exclusively for the transmission of dispatches exchanged with America."

I inclose herewith copy of the correspondence exchanged in relation to this subject.

I have, &c.,

E. J. BRULATOUR.

[Inclosure 1 in No. 571.]

Mr. Morton to Mr. Ferry.

LEGATION OF THE UNITED STATES,
Paris, May 29, 1884.

SIR: Referring to the conversation I had the honor of having yesterday with your excellency in relation to the objections my Government had to the conditional authorization granted to the American Commercial Cable Company to land in France, I beg leave to restate here, substantially, the grounds of my complaint.

My Government having granted to the French Telegraph Company permission to land its cables on our shores, upon the condition that the same privilege would be given to any American company applying for it, I requested your excellency on the 3d of January last to give this privilege to the Commercial Company, an American corporation which had already obtained from my Government the necessary facilities. This request was promptly complied with and my Government was no less prompt in acknowledging this action of the French Republic.

It seems, however, that this permission is only a qualified one, as it is understood that the Commercial Company is required to assent to terms by which the part of their line running from France to Ireland may be purchased on a year's notice. If such is the case, my Government considers this condition as contrary to the first clause of the agreement of 1880, upon which the French Telegraph Company was allowed to land on the shores of the United States, which clause reads as follows:

"That the company receive no exclusive concession from the Government of France which would exclude any other line which might be formed in the United States from a like privilege of landing on the shores of France and connecting with the inland telegraphic system of that country."

In instructing me to make proper representations to your excellency in relation to this matter, Mr. Frelinghuysen says, very judiciously—

"If France has a right to affix conditions, she would logically have a right to exclude, which is assuredly contrary to the spirit of the agreement between the two countries."

I may add that this agreement was also assented to by the French Telegraph Company in a letter to the Secretary of State, dated February 9, 1880, and signed by Mr. Pouyer Quertier. I trust that your excellency will readily acknowledge that these friendly representations are well founded, and that the obnoxious condition above referred to will be dispensed with. Although the Commercial Cable Company might accept the condition indicated, the objection of my Government would nevertheless remain, as it is not made in view of any particular interest, but is one of principle intended to cover all cases.

I avail, &c.,

L. P. MORTON.

[Inclosure 2 in No. 571.—Translation.]

Mr. Ferry to Mr. Morton.

PARIS, *June* 12, 1884.

SIR: On the 29th of May last you were good enough to communicate to me the objections which appeared to your Government to be called for by the condition imposed upon the Commercial Cable Company by the administration of posts and telegraphs.

Mr. Cochery, to whom I referred your communication, has just forwarded to me the note which you will find hereto annexed.

It appears from this document—

(1) That the cable conceded to the Commercial Cable Company having a landing place in Ireland cannot be assimilated with a direct transatlantic cable.

(2) That it is by a favor, which up to the present time has never been conceded to any other company, that Messrs. Mackay and Bennett obtained the authorization under the reservation of coming to an understanding with the competent parties, to land a telegraphic cable in Ireland.

(3) That the period of the concession is not limited to 1889 like those of all the other cables laid between France and England.

(4) That in consequence the situation of the Commercial Cable Company cannot be assimilated with that of the French company from Paris to New York.

I shall be obliged if you will have the goodness to bring to the knowledge of your Government the explanation contained in the note of the minister of posts and telegraphs.

Receive, &c.,

JULES FERRY.

[Inclosure 3 in No. 571.—Translation.]

Note from the ministry of posts and telegraphs.

NOTE RELATIVE TO THE COMMERCIAL CABLE COMPANY.

The observations presented by the legation of the United States appear to have been caused by a misunderstanding. It seems, therefore, necessary to insist upon the difference of the situation which exists between the new concession and the concessions previously accorded.

The latter, in fact, apply to cables connecting *directly* France and North America, without touching the territory of any other country in their course. It was upon these conditions that the French company from Paris to New York was established, which gave rise on the part of the Government of the United States to the claim of reciprocity recalled by Mr. Morton.

The application of Messrs. Mackay and Bennett is presented under altogether different conditions.

It has for object the establishment between France and Ireland of a cable which will join at Valentia a transatlantic line, of which it will be the tributary. The submarine conductor, commencing at Havre, will not, therefore, constitute a direct com-

munication with America; it will simply be the means of forwarding dispatches from the Contient to the principal cable terminating in Ireland.

In consequence no assimilation can be established between this new concession and that which has been accorded to the French company from Paris to New York.

It was, besides, in consequence of the intervention of the minister of the United States that no objections were raised when the grantees indicated their intention of having a landing place in Ireland.

On the other hand, for the concession of the cable between France and Ireland, the French administration is far from being placed in the identical conditions to those which apply to the transatlantic cables.

In fact, article 3 of the convention, concluded on January 2, 1859, with the Compagnie des Cables de la Manche, grantee of a privilege for the establishment of the cable between France and Great Britain, stipulates only that—

"The French Government reserves to itself the right to authorize, as it may seem fit, the establishment of a telegraphic line commencing at any point upon the coast of France and terminating directly on the coast of Ireland, and intended exclusively for the transmission from or for America by the transatlantic cable."

As, therefore, it is not admissible that the administration will abandon a unique right, the enjoyment of which it should reserve for its direct necessities, it has only been enabled to grant the authority under a reservation of an understanding between the grantee and the Compagnie des Cables de la Manche.

It was then impossible for it to make a concession under identically the same conditions as those of the other concessions.

Messrs. Mackay and Bennett perfectly understood this, and made no difficulty in accepting, on the 1st of February last, the prepared stipulations (*cahier des charges*) for their concession.

These stipulations contain a redemption clause destined to fix, if necessary, the duration of the concession to the uniform stated period for all the cables laid across the channel between France and England, that is to say, to 1889.

Moreover, there was a question, for the same motive, of limiting to 1889 the concession granted to Messrs. Mackay and Bennett, and it was upon the application of the grantees that the repurchase clause was substituted for this provision of limitation.

It was under these conditions that an understanding was arrived at in the month of March last, and it was not then the subject of any observation on the part of the Government of the United States.

Since that time the grantees, having allowed the period for regulating their concession to expire, have recently been obliged to apply for the renewal thereof.

The same stipulations were presented to them. They then raised an objection with reference to the right of repurchase. Upon their application this clause was suppressed, and it was simply agreed to add to the conditions the right to terminate the authorization granted by the French Government upon giving notice a year in advance. This is the indication of a general right of police which exists of full right in every concession.

The legation of the United States appears, besides, to contest the right of the French Government of imposing conditions for the concession of the cable.

It is necessary, with reference to this subject, not to lose sight of the difference which exists between the conditions of organization of the telegraphic service in France and in America.

In France the telegraph is submitted in an absolute manner to the monopoly of the state.

In the United States it is freely worked by private industry.

It is clear, then, that in the latter country it is possible to authorize the establishment of submarine cables without conditions, but it cannot be the same in France, where this manner of proceeding would constitute an infringement upon the monopoly of the state.

[Inclosure 4 in No. 571.]

Mr. Brulatour to Mr. Ferry.

LEGATION OF THE UNITED STATES,
Paris, June 17, 1884.

SIR: I have the honor to acknowledge the receipt of your excellency's note of the 12th instant, transmitting a communication from Mr. Cochery, in reply to the friendly representations Mr. Morton was instructed to make in relation to the qualified authorization given to the Commercial Cable Company to land upon the shores of France.

The objections of the United States Government to the conditions affixed to the permission received by the American Cable Company are of the simplest kind.

In 1879, my Government gave to the French company the right to land in the United States, upon the distinct understanding and formal agreement that the same privilege would be extended by France to any American company which might apply for it. By its letter, as well as by its spirit, this agreement means reciprocity of treatment for the companies of both nations.

In 1884, the United States applies, in behalf of the American Commercial Company, for the privilege to land in France, and obtains it only upon terms less favorable than those made to the French company and with the conditions that the privilege thus granted can be withdrawn upon giving one year's notice.

No such conditions having been imposed upon the French company in the United States, my Government contends that it is in violation of the plain and unequivocal agreement of 1879, and asks that the Commercial Cable Company be treated in France upon exactly the same footing as the French company is treated in the United States.

Mr. Cochery's note meets this request by the following arguments:

(1) The cable of the Commercial Company does not connect directly France with the United States, and cannot, therefore, be assimilated to the French line.

(2) The right to withdraw the authorization to land upon giving one year's notice is a general police provision which exists by right in all concessions.

I have no instruction to discuss these arguments thus so unexpectedly opposed to a request which seemed so natural and so fair that the possibility of its being refused was not anticipated, and I can but refer the whole matter to Mr. Frelinghuysen. I may be permitted to say, however, that I utterly fail to see the force of the position taken by the minister of posts and telegraphs. I fail to perceive, as far as the right of landing and the privileges accruing therefrom are concerned that there exists the slightest difference between the American company and the French company. Both were created with the special object of connecting directly France with the United States, and Mr. Cochery himself thus describes the Commercial Cable Company in the specifications (*cahier des charges*) submitted to Messrs. Mackay and Bennett.

I trust that further examination of this subject will satisfy your excellency that the objections which Mr. Morton was requested to present against the condition imposed on the American company are just and reasonable, and that they will be removed. The Government of the United States, which cannot be charged with having held the French company too strictly to the formal pledge it has taken, has the right to expect that the American company shall also be fairly dealt with.

Your excellency will appeciate whether it is fair and equal treatment to compel this company to submit to terms by which it can be deprived of its privilege at any time, upon a short notice, when no similar condition is to be found in the specifications (*cahier des charges*) subscribed to by the other companies established for the exclusive transmission of dispatches between the two countries. To limit its existence to one year is certainly a serious impediment to the safe establishment in France, of the Commercial Cable Company, which would, besides, find itself upon a most unequal and unfavorable footing compared with other companies.

The United States legation does not contest the right of the French Government to affix conditions to any concession it may grant for the establishment of cables; it is also aware that telegraphic lines in France are a Government monopoly, but this cannot assuredly furnish a legitimate motive for discrimination.

After a careful perusal of the terms accorded by the French Government in 1869 to the English company, in 1879 to the French company, and in 1884 to the Commercial Cable Company, I am obliged to say that the latter, instead of receiving in France the treatment which the French company has obtained in the United States, is subjected with respect to the right of landing, as well as to the privilege of connecting its cables with the French land system, to exceptional exigencies prejudicial to its interest.

I avail, &c.,

E. J. BRULATOUR.

No. 101.

Mr. Frelinghuysen to Mr. Morton.

[Telegram.]

WASHINGTON, *June* 23, 1884.

Mr. Frelinghuysen telegraphs Mr. Morton that the United States granted to the French cable company in 1879, at the express request of the French Government through its minister at Washington, the

privilege of landing their cable on the shores of this country. In making this agreement it was expressly stated and made a condition to the concession, that should permission be granted to the company to land its cable in the United States it will be upon the understanding that the reciprocal right of American citizens to similar concessions from the Government of France in laying and operating transmarine cables and connecting them with inland lines in that country should be granted upon suitable application to the French Government, and that the continuance of the privilege might depend upon this reciprocity being recognized by France (see Secretary of State to French minister, October 27, 1879, and September 10 and 22, 1875). Moreover, the condition signed by the company in accepting the grant stated that the company received no exclusive concession from France which would exclude any other line which might thereafter be formed in the United States, from obtaining a like privilege to land on the French coast and connect with the internal telegraphic system of that country.

France now denies to the originators of an American cable company the right to land on the French coast because it touches the shore of Ireland and is therefore not direct from France. The French cable touches at St. Pierre, and it is probable that a direct line from the United States to France touching at no intermediate point is impracticable. As the United States has no colonial or outlying possessions, American cables must necessarily touch at some foreign intermediate point. The President does not doubt that France will respect the position taken by the United States as stated above and which was agreed to by the French Government and the French cable company. The interpretation which France now desires to give to the first condition destroys the spirit of the agreement. The President is of opinion that the proposed American cable has a right to land on the French coast under the agreement of 1879. Mr. Morton is directed to act on this instruction in such manner as his good judgment suggests.

No. 102.

Mr. Brulatour to Mr. Frelinghuysen.

No. 574.] LEGATION OF THE UNITED STATES,
Paris, June 25, 1884. (Received July 10.)

SIR: I have the honor to acknowledge the receipt, on the 24th instant, of your telegram to Mr. Morton in relation to the permission sought by the Commercial Cable Company to lands its cables on the shores of France upon the same terms as those granted by the United States to the French company, and to state that on the same day I addressed a note to Mr. Ferry, conveying a translation of your telegram and insisting upon our right to expect that an American cable company shall be treated in France as the French cable company is treated in the United States.

I inclose herewith a copy of my note to Mr. Ferry.

I have, &c.

E. J. BRULATOUR.

[Inclosure in No. 574.]

Mr. Brulatour to Mr. Ferry.

LEGATION OF THE UNITED STATES,
Paris, June 24, 1884.

SIR: Referring to my communication of the 17th instant in relation to the right claimed by the Commercial Cable Company to land in France upon the same terms granted in the United States to the French company, I have the honor of sending herewith to your excellency a copy of a dispatch received this morning from the Secretary of State of the United States Government.

Your excellency will see that Mr. Frelinghuysen states, in almost the identical language used by me in the above-mentioned communication, that the agreement of 1879 was intended to assure reciprocity of treatment to any American citizens applying for the privilege of landing in France a cable connecting the two countries. It was not supposed at the time that a question would ever arise upon the route taken by the cables connecting the two countries, and that the fact of touching at an intermediary point could make any difference at all in the matter.

The President of the United States believes that the American Commercial Cable Company is entitled to the full and unrestricted right of landing given to the French Cable, and has no doubt that the French Government will come to the same conclusion.

It is with this view that I send a copy of the telegram of Mr. Frelinghuysen, which was only intended for the legation, but which shows exactly the position taken by the United States Government in the matter.

Copies of the notes to the French minister referred to by Mr. Frelinghuysen are undoubtedly in your excellency's department.

I avail, &c.,

E. J. BRULATOUR,
Chargé d'Affaires ad interim.

No. 103.

Mr. Morton to Mr. Frelinghuysen.

[Telegram.]

PARIS, *June* 28, 1884.

The French Government desiring to associate itself with the undertaking of the Franco-American Union Committee, the president of the council proposes to join with the president of the committee in the formal transfer of the statue of Liberty to me as the representative of the President, pursuant to resolutions of Congress of February, 1877. Minister of marine also proposes to furnish a war vessel for its transportation. Under these circumstances it appears desirable to receive instructions from you on Monday and also appropriate telegram to be read at the ceremony fixed for the 4th of July. I shall return to Paris to attend the ceremony.

MORTON.

No. 104.

Mr. Frelinghuysen to Mr. Morton.

[Telegram.]

WASHINGTON, *June* 30, 1884.

I am directed by the President to instruct you as the representative of the United States Government to attend the ceremonies at Paris on the 4th of July, incident to the presentation to this country of the

colossal bronze statue of "Liberty Enlightening the World," and on behalf of the President make known its acceptance.

You will avail yourself of the opportunity to express the thanks of the Government and people of the United States for the statue as a work of art and as a monument of the abiding friendship of the people of France.

You will assure the Franco-American Union Committee, the president of the council, and the citizens of the French Republic, that the American people return most heartily the friendly sentiments which prompted this noble gift to America.

FRELINGHUYSEN.

No. 105.

Mr. Morton to Mr. Frelinghuysen.

No. 582.] LEGATION OF THE UNITED STATES,
Paris, July 5, 1884. (Received July 29.)

SIR: Mr. Bartholdi, the eminent French sculptor, author of the statue of "Liberty Enlightening the World," called upon me some weeks ago to say that the statue was now complete, and that, as the labor of taking it down for shipment to America would require at least three months, it was the intention of the committee of the Franco-American Union to present it at once to me, as the representative of the Government and people of the United States. Mr. Bartholdi added that Mr. Jules Ferry would seize this occasion to associate the French Government with the undertaking of the Franco-American Union, and that he (Mr. Ferry) and other members of the Government would officially take part in the ceremony of presentation.

A few days later Mr. Ferry himself confirmed this statement at my house. He said that the statue of Liberty was not only wonderful as a work of art, but as a work entirely due to the individual initiative of Frenchmen friendly to America, and that it was the first time such an undertaking had been successfully carried out without Government aid. The Government, however, did not wish to stand aloof from this great manifestation. It wanted to show publicly that it shared the sentiments which had inspired Mr. Bartholdi, and with this view the minister of the navy, Admiral Peyron, would place a state vessel at the disposition of the committee for the transportation of the statue to New York.

This information having reached me too late to be made the object of a written communication to the Department, I briefly stated the facts in my telegram of the 28th of June, to which I duly received your telegraphic reply of July 1, and also one from the Hon. William M. Evarts, chairman of the Franco-American Committee of New York, requesting me to represent and speak for the New York committee.

The statue was formally presented to me on the morning of the 4th of July, and I accepted it in the name of the President of the United States and the American people.

The ceremony was an interesting and imposing one. It took place in the foundry yard of Messrs. Gaget & Gauthier where the monument has been made, and in presence of a large audience of distinguished guests. Upon a tribune erected in front of the colossal bronze sat the Franco-American Union Committee with its president, M. F. de Lesseps,

with the author of the monument, Mr. Bartholdi, and members of the Government, among whom were conspicuous the president of the Chamber of Deputies, Mr. Brisson, the president of the supreme court, Mr. Cazot, Admiral Peyron, minister of marine, Mr. Herisson, minister of commerce, Mr. Faillières, minister of public instruction, and Colonel Lichtenstein, representative of the President. The prefect of the Seine, the president of the city council, Senator de Lafayette, and many other high officials and distinguished gentlemen, well known for their Franco-American sympathies, were also present.

The yard, which was appropriately decorated with French and American flags, was filled by a large number of citizens of both countries. A band of music played alternately the French and American national airs.

Unfortunately, the president of the council, who had been ill for two or three days, could not attend the ceremony, but in the morning he wrote me to explain and apologize for his absence, and at my request M. de Lesseps read his note, which was warmly applauded for its sentiments of interest and sympathy. M. de Lesseps then, speaking in the name of the Union, presented to me the great statue—the eighth wonder of the world, as he called it. His remarks, partly foreign to the object, were, nevertheless, greeted with cheers; for they expressed in warm terms the generous feeling which had inspired this spontaneous manifestation of friendship on the part of the French people. I responded by reading your telegram directing me to accept the statue and by explaining the action of the President and of Congress in the matter.

At the close of these addresses the official deed of presentation was signed by the president of the Chamber of Deputies and M. Jules Ferry, in the name of France (it was taken to the house of the latter for that purpose); by me, in the name of the United States; by M. de Lesseps and M. de Lafayette, in the name of the committee of the Franco-American Union; and as witnesses, by many of the assistants.

I inclose herewith, with the original deed of presentation and a translation of the same (which are to be preserved in the national archives), the following papers:

1. Translation of the invitation received from M. de Lesseps.
2. Copy of a telegram from Messrs. Evarts and Spaulding.
3. Translation of M. Jules Ferry's note.
4. Copy of remarks made by M. de Lesseps.
5. Copy of my remarks.
6. Translation of the deed of presentation.
7. Extract from the Morning News, giving account of the ceremony.

I have, &c.,

LEVI P. MORTON.

[Inclosure 1 in No. 582.—Translation.]

M. de Lesseps to Mr. Morton.

COMITÉ DE L'UNION FRANCO-AMÉRICAINE,
Paris, June 25, 1884.

MONSIEUR LE MINISTRE: I have the honor to inform you that agreeably to the understanding with the president of the council, we have taken the necessary measures for the organization of our ceremony of presentation of the statue for Friday, the 4th of July, at 11 o'clock a. m.

In the name of the committee I come, therefore, to renew, officially, our invitation

that you kindly receive the homage of the work addressed to the great American sister Republic by the Franco-American Union.

Please receive, &c.

In the name of the Franco-American Union,

The president of the committee,

FERD. DE LESSEPS.

[Inclosure 2 in No. 582.—Telegram]

From Messrs. Evarts and Spaulding.

NEW YORK, *June* 26, 1884.

Hon. L. P. MORTON,
American Legation, Paris:

Kindly represent and speak for American Committee Statue Liberty ceremonies, July 4. Concrete base completed, 52 feet high. Granite begun.

EVARTS.
SPAULDING.

[Inclosure 3 in No. 582.—Translation.]

Mr. Ferry to Mr. Morton.

PARIS, *July* 4, 1884.

MY DEAR MR. MORTON: As you may be aware, I have been seriously indisposed, and in order properly to fulfil all my duties I have to take certain precautions to which I am little accustomed.

The work of yesterday was very fatiguing for me, and I have, therefore, been ordered complete rest to-day.

The Government of the Republic will be represented upon the occasion by several ministers. Above all others, I shall feel regret at my inability to personally attend this fête of the fraternity of the two great Republics; but you know that I shall be there in the spirit, in heart, and in soul.

Believe, my dear Mr. Morton, in my entire devotion.

JULES FERRY.

[Inclosure 4 in No. 582.—Translation.]

Synopsis of remarks made by M. de Lesseps.

France, monarchical, imperial, or republican, has ever been the friend and ally of the United States of America.

Our work of to-day, which is in no wise political, is the work of a hundred thousand subscribers—one hundred and eighty towns have participated therein; a great number of general councils, chambers of commerce, societies of every description. The thought which has inspired France upon this occasion was that of consecrating and cementing the centenarian friendship that unites the two great nations, which the breadth of the ocean cannot separate because there is between the two peoples such a connection of sentiment, that even when an unforeseen difference arises between them, circumstances quickly bring them back to a community of views and of action.

Upon the occasion of the excavating of the canal of Panama, for instance, after a moment's hesitation the United States understood that this work, executed in a free state, should be of universal interest and completed by the common effort of the two friendly nations.

The powerful American industry came forward, in fact, to offer its co-operation to the French workmen.

It will assure the success of this great enterprise; it will be one more tie between us; it will be the success of the union of the powers of that great American nation with those of France, her old and trusted friend.

This union of the genius of the two countries has already produced the greatest movements which have been effected amongst modern nations.

We trust that it will beam for a long time to come upon humanity, as the light of our colossal statue emitting its rays at the entrance of the vast continent, the converging points of the whole world.

I have to thank the generous donators, through whom the work has been brought to completion.

I render homage to our collaborators:

To Mr. Bartholdi, who has created a colossal work, the eighth wonder of the world.

To Mr. Gaget, the engineer, who, in the material execution of the work, has brought to bear indefatigable zeal and intelligence.

To Mr. Eiffel, the great constructor, who has given the guarantee of all his science to the iron-work of the colossus.

I must also bring to notice the participation, so important, though modest in appearance, of the heads of the workshops that have conducted these works, Messrs. Bugeret and Baron.

Finally, I particularly wish to join in the sentiments of Mr. Bartholdi and of all the collaborators, in thanking his respectable and valiant assistant, Mr. Simon, that courageous sculptor, who, although a septuagenarian, has been the youngest and most indefatigable at work by several years; we all of us would have wished to see him honored, as he merits, by an official distinction.

This work, Mr. Minister, is the production of the enthusiasm of devotion, of the intelligence, of the most noble sentiments that dominate man.

It is grand in its conception and realization, it is grand by its proportions; we trust that it will add, by its moral value, to the souvenirs and sentiments that it is to perpetuate.

We deliver it into your charge, Mr. Minister, in order that it may ever remain the pledge of the ties which should unite France and the great American nation.

[Inclosure 5 in No. 582.]

Remarks made by Mr. Morton.

MR. PRESIDENT AND GENTLEMEN OF THE COMMITTEE: I am directed by the President of the United States to accept this colossal statue of "Liberty Enlightening the World," and to express the thanks of the Government and people of the United States for the statue, as a work of art and as a monument of the abiding friendship of the people of France, and to assure the committee of the Franco-American Union, the president of the council, and the citizens of the French Republic, that the American people return most heartily the friendly sentiments which prompted this noble gift to America.

It is proper that I should recall on this occasion the action of the Government of the United States with regard to the statue of Liberty, the completion of which we witness to-day.

When the American Congress was advised that the citizens of France proposed to erect on one of the islands in the harbor of New York the colossal statue of "Liberty Enlightening the World," it authorized, by a unanimous vote, the President to accept the gift, and to set apart a suitable site for its erection.

The President was also directed to cause the statue to be inaugurated, when completed, with such ceremonies as would serve to testify the gratitude of the people of the United States for the monument so felicitously expressive of the sympathy of her sister Republic.

The American Congress also ordered provision to be made for its future maintenance as a beacon, and for its preservation and permanent care as a monument of art, and of the continued good will of the great nation which aided her in her struggle for freedom.

The President of the United States set apart Bedloe's Island for the erection of the statue, and I have received a telegram from Messrs. Evarts and Spaulding, of the New York committee, stating that the concrete base, 52 feet high, has been completed and the laying of the granite for the pedestal commenced.

The thought which inspired M. Bartholdi, the eminent author of this triumph of art; the participation in this gift of Senators Oscar and Edmond de Lafayette, the Marquis de Rochambeau, and other descendants of the sons of France who fought by the side of Washington; the participation also of M. de Lesseps, the illustrious president of the Franco-American Union, of his distinguished predecessor, Senator Laboulaye, the French interpreter of the American Constitution, of Senator Henri Martin, the great historian, and their distinguished associates; the presence on this occasion of several members of the Government and the representative of the President of this great Republic; the proposal of the French Government, through the minister of marine, to transport this statue to New York in a Government frigate, and the selection of the anniversary day of American Independence for this ceremony,

will all only deepen the grateful appreciation with which your friendly gift will be received by the Government and people of the United States.

It was my good fortune, as the representative of my country, to drive the first rivet in this great statue, as it is now to accept it, complete in all its grand proportions, on behalf of the President and people of the United States.

The committee of the Franco-American Union of New York, which was organized to provide the foundations for the statue, will receive it on its arrival with the same feeling of gratitude and emotion which your friendly action has evoked in the heart of every American, and assume the agreeable task of its erection upon the pedestal on Bedloe's Island.

God grant that it may stand until the end of time, as an emblem of imperishable sympathy and affection between the Republics of France and the United States.

[Inclosure 6 in No. 582.—Translation.]

Deed of presentation.

THE 4TH OF JULY, 1884 (anniversary day of American Independence).

In the presence of M. Jules Ferry, minister of foreign affairs of France, and president of the council of ministers.

Count Ferdinand de Lesseps, in the name of the committee of the Franco-American Union, and of the national manifestation of which that committee has been the organ, has presented the colossal statue of "Liberty Enlightening the World," the work of the sculptor Bartholdi, to his excellency Mr. Morton, United States Minister at Paris, praying him to be the interpreter of the national sentiment of which this work is the expression.

Mr. Morton, in the name of his compatriots, thanks the Franco-American Union for this testimony of sympathy from the French people; he declares that in virtue of the powers conferred upon him by the President of the United States, and the committee of the work in America, represented by its honorable president, Mr. William M. Evarts, he accepts the statue, and that it shall be erected in conformity with the vote of Congress of the 22d of February, 1877, in the harbor of New York as a souvenir of the unalterable friendship of two nations.

In faith of which there have signed—

In the name of France:

JULES BRISSON,
President of the Chamber.
JULES FERRY,
Minister of Foreign Affairs.

In the name of the United States:

LEVI P. MORTON,
Minister of the United States.

In the name of the French-American Committee:

FERDINAND DE LESSEPS.
E. DE LAFAYETTE.

[Inclosure 7 in No. 582.]

Extract from the Morning News, giving account of the ceremony.

THE FOURTH—HOW INDEPENDENCE DAY WAS CELEBRATED IN PARIS.—THE PRESENTATION OF THE BARTHOLDI STATUE—SPEECHES BY M. DE LESSEPS AND MR. MORTON—RECEPTION AT THE AMERICAN LEGATION.

The biggest statue in creation was duly inaugurated yesterday—so far as this side of the water is concerned—on the biggest day of the American year. Of course there is much more to come on the American side, when the statue shall be finally set up on the pedestal on Bedloe's Island, for the President of the United States, as we know, has been duly authorized by Congress to order such ceremonial as he may deem fitting for the occasion.

Yesterday's fête was of an altogether familiar character, as best suited the circum-

stances and the situation, for it took place in the yard of a workshop. It was the mere formal handing over of the statue by the representative of the French republic to the representative of the American Republic. If anything could have unbent the impassive features of the statue, it would be the thought of her being "handed over" by any of the pigmies at her feet. She towered above the yard, and the workshops, and the people, and dwarfed everything into absolute insignificance; even the American flag, proudly flying from the torch at the end of her outstretched arm, seemed a mere ornament of a bride-cake. It was impossible to give one's self airs in such a presence, and the managers of the fête seemed to have felt this, and to have arranged everything on a becoming scale of modesty of pretense. The ceremony took place in a kind of shed run up in the yard, and it derived its sole importance from the character and quality of the people who took part in it.

THE COMPANY.

There was a distinguished crowd, both of Americans and Frenchmen. In the latter quite a group of ministers and high officials: the president of the Chamber; the minister of agriculture, M. Herisson; the minister of finance, M. Tirard; the minister of marine, Admiral Peyron; M. de Fallières, minister of public instruction; Colonel Lichtenstein, representing the President of the Republic, with two officers representing the minister of war; M. Oscar de Lafayette; Baronne de Pages, grandneice of the hero Montcalm; the prefect of the Seine; the vice-president of the municipal council, M. Antonin Proust; Senators Noblot, Millaud, and Oudet; M. Caudet; M. Philippe Burty, the eminent critic; M. Dietz-Monin, president of the chamber of commerce; M. Henner and M. Armand Dumaresq, the painters; and Dr. Ricord, of Baltimore.

Among the Americans were Consul-General Walker and Messrs. Brulateur and Vignaud, who accompanied their chief; ex-Senator Baldwin, of Michigan; Governor Cheney; Senator James B. Eustis, Louisiana; General Draper, of Boston; Judge Batchelor; Dr. Howard; Dr. Wixom; Messrs. Reinhart, Dannat, Mosler, Bacon; Dr. Evans; Mr. Munroe; Mr. Harjes; Mr. Gillig; Mr. Roberts and Mr. Hobson; Mr. King; Dr. Chapman; Professor Yeatman; Dr. Nachtel; Mr. Fettridge; Mr. Theo. Stanton; and Maj. R. N. Brown, a nephew of Major-General Brown, Commanding General of the United States Army, and brother of the late Maj. T. S. Brown, consulting engineer to the Czar Nicholas.

The costumes were, in most instances, suited to the time of day and the weather; but a few devoted Frenchmen, out of reverence to the statue, had donned full evening dress. They formed, as has been said, a crowd of pigmies; but the people in the houses overlooking the founder's yard, in the Rue de Chazelles, carried the view at least up to the waist of the colossus, and so served a little to fill in the composition in an artistic sense.

At about half-past eleven M. de Lesseps arrived, and took up his position on the platform as chairman of the celebration. He was followed by Mr. Morton, and the proceedings immediately commenced by the reading of the letter from M. Ferry, excusing himself from attendance on account of ill health, but saying, and saying truly, that the Government of the Republic would be represented by more than one minister.

* * * * * * *

When Mr. Morton had read his reply, he invited all present to sign the *procès verbal* of the ceremony, and set the example himself. Then came the president of the Chamber to sign, with a shaking hand, in the name of France; then the ministers, in their turn; and finally, the rank and file. The signing was done with a goose-quill, prettily tied with emblematic colors; and it was worn out long before the end of the proceedings. The paper was covered with names, north and south, east and west; dozens signed sideways on the margin, and at last it became a piece of positive ill breeding to those who were to follow to write one's signature large.

After this, the illustrious company, with M. Bartholdi leading the way, went to see the statue, entering by the door in the sole of the uplifted foot, and toiling steadily up the double staircase, with nothing to guide their steps but the ten thousand little eyelets of sunlight that came through the rivet holes. Only a few persevered to the summit; most of them gave up half way, and, confounding the two staircases for the ascent and descent, were for some time lost to the world. It was the fancy of Rabelais again—with his pigmies wandering about in the interior of the monster. The president of the Chamber went gallantly to the top, and saw Paris from the opening in the coronet, but he did not wait while the man went to fetch the key to the staircase in the arm, which towered up into a first story at the elbow and a second at the hand. While this was going on, the people below took modest refreshments at the buffet at the back of the platform, and after them came, very fittingly, the workmen who had built up the thing piece by piece. This, with the distribution of the commemorative medal, closed the proceedings in the yard; and all that remains to be

said about the statue is that it will stand in its place until the end of the month, and will then be taken down for transport in a French ship of war to its destination.

After the ceremony, the high officials present, to the number of some twenty-five, went to breakfast with M. le Senateur Arbel, in the Rue de Courcelles. Mme. Arbel and Mme. Bartholdi were the only ladies present, M. de Lesseps, Mr. Morton, and M. Bartholdi made short speeches, and the work, the committee, and the artist received their fair share of praise.

* * * * * * *

ENGLISH APPRECIATION OF THE FRENCH OFFERING TO AMERICA.

[From the London Daily News.]

We publish in another column this morning a full description of the gigantic statue which M. Ferry, on behalf of the French, will to-morrow present to the American people, through the United States minister in Paris. The statue is the fit successor in these modern times of the colossus which was in ancient days one of the world's seven wonders. It is to stand on one of the islands in the magnificent bay of New York, as a sort of vast light-house, or light-bearer, welcoming the traveler from the Old World as he enters the New World. The project and execution are characteristic of the French people. There is an air of romance about it which touches the fancy of an imaginative nation. It is a kind of celebration of the Republic, a declaration of friendship and sympathy from one republican people to another. It is the more remarkable, too, because the legend which most astonished M. Guizot when he read it on some of our great charitable institutions in London might, with a slight change, be inscribed on M. Bartholdi's colossus. It has originated in a popular movement, and has been paid for by voluntary subscriptions. It is literally the spontaneous gift of the French people to the Americans, a testimony of their hearty admiration of American freedom.

The colossal size of the statue is appropriate to a country where everything is on a gigantic scale. On its pedestal, and with its outstretched hand, this huge figure is higher than any light-house on our own coasts or than any mere monument in this capital. It is most ingeniously constructed, and is, even in that respect, the most striking work of the statuary's art ever produced. It will, no doubt, be accepted by the Americans in the cordial spirit in which it is offered, and it may be hoped that it may long stand in its commanding position at the beautiful entrance to New York bay as a material embodiment and token of the cordial feeling of two great peoples who are mutually indebted to each other.

THE MINISTER'S RECEPTION.

Later in the afternoon, the usual Fourth of July reception was held at Mr. Morton's, and many of those present at the ceremony of the morning met one another once more.

No. 106.

Mr. Brulatour to Mr. Frelinghuysen.

[Extract.]

No. 585.] LEGATION OF THE UNITED STATES,
Paris, July 12, 1884. (Received July 28.)

SIR: With reference to the authorization asked for by the American Commercial Cable Company to land its cable upon the shores of France, * * * I herewith inclose a translation of M. Ferry's communication, and a copy of my acknowledgment of the same.

I have, &c.,

E. J. BRULATOUR.

[Inclosure 1 in No. 585.—Translation.]

M. Ferry to Mr. Morton.

PARIS, *July* 8, 1884.

SIR: I have received the two letters, of the 17th and 24th of last month, that Mr. Brulatour has had the goodness to address to me with reference to the concession of a submarine telegraphic line to the Commercial Cable Company, represented by Messrs. Bennett and Mackay.

To the second of these communications was annexed the copy of a telegram from the Secretary of State, who insists upon the suppression in the contract signed by that company with the French administration of certain conditions that the Washington Cabinet consider as being at variance with the treatment of reciprocity agreed to between the two Governments in 1879 upon the establishment of the direct line constructed by the French Company Paris–New York.

In response to the communication that I addressed to to the minister of posts and telegraphs on the subject, he observes that it is proper to state precisely under what conditions the Government of the Union granted in 1879, upon the application of the French Government, the concession of a cable to be landed in the United States.

With this object, Mr. Cochery sets forth, in the first place, that the cable conceded in 1879 was a direct cable; he recalls, in the second place, the exact terms of the correspondence exchanged between the minister of the Republic at Washington with reference to the authorization to land granted to the French company; it results therefrom, on the one hand, that M. Outrey gave to the Federal Cabinet "the assurance that the French Government would make no difficulty in according, in case of need, to American subjects, the same privileges as to its own fellow-countrymen;" on the other hand, that the Government of the Union would grant to the French company the right to land, upon the sole condition that this company would comply with the general laws that Congress might be called upon to enact with reference to submarine cables. The communication of the Department of State, which notified the said authorization, contains, in effect, the following reservation: "It should be well understood by the company that the authorization that it receives is subservient to all the measures that Congress may take in the future with reference to submarine telegraphs."

Mr. Cochery is of opinion that there is reason to notice in these communications that the authorization given by the Government of the United States was not pure and simple, but that it was subordinate to the measures that your Government might subsequently take with reference to submarine cables, and that the only demand to the Government of the Republic, with a view of reciprocity, was to concede to American citizens the *same privilege as to French* citizens.

As far as concerns reciprocity, it has already been stated in the note from Mr. Cochery, which I had the honor to bring to your knowledge on the 13th of last month, that the cable of the Company "Paris–New York" was a direct cable between France and America, while the cable of the "Commercial Company" is a cable between France and Ireland which, from this latter country, pursues its course to the United States. It does not appear necessary to insist in order to show the difference which exists between these two concessions.

It may not, however, be useless to recall that at the time of the concession granted to M. Pouyer Quertier, the French Government held essentially that the cable should be direct and should not make use of the territory of any foreign nation before arriving in America. The relay established at St. Pierre by the French company in nowise infringes this condition, since the island of St. Pierre is a French possession, and that to establish the Pouyer Quertier cable by means of this intermediary point it was only necessary to have recourse to the authorization of France and the United States.

It is not the same for the Mackay-Bennett cable, as apart from the consent of the two states in question the grantees will be obliged to obtain the consent of England for the landing in Ireland. And even supposing that a direct communication is established between Havre and the United States, it can only be worked with the authorization of the English Government which, according to the information transmitted to me by Mr. Cochery, would impose very restrictive conditions, especially the limitation of the authorization of landing to the year 1889. Under these conditions the French administration was justified in refusing Messrs. Bennett and Mackay the right of landing their cable, without, in reality, affecting the promise of reciprocity agreed to in 1879 by the two Governments; this right, however, which, up to the present time, had not been granted, was conceded to them under certain conditions specified in this stipulation.

As you are aware, Messrs. Mackay and Bennett accepted these conditions, and, on date of the 13th of March last, you were good enough to communicate to me the thanks of the Government of the United States.

To the preceding observation Mr. Cochery adds that he is ignorant of what has taken place since the above obtainment, but the grantees have allowed the periods

prescribed by the stipulations to expire without fulfilling the formalities intended to make the position regular, and that, in fact, they have given to the administration the right of refusing them a new concession.

The minister of posts and telegraphs adds that this is certainly the jurisprudence that his department would apply to *French subjects*.

Nevertheless, in consideration of the support given by the legation of the United States to the application of Messrs. Mackay and Bennett, the French administration has not set it aside, and has even consented to substitute a simple clause of common right, that of denunciation of the contract a year in advance to the right of repurchase that the original contract reserved to the Government of the Republic.

The conditions inserted in the contract are, besides, those that the administration would impose upon every Frenchman who might apply for a similar concession to land.

Upon the whole, Messrs. Mackay and Bennett are not placed in the same conditions as M. Pouyer Quertier, who had applied to the Government of the United States to land a direct cable.

Besides, the conditions of the concession made to the Commercial Cable Company are those that the French administration would impose upon their fellow-countrymen.

Finally, it must be observed that these conditions have been discussed by the administration of posts and telegraphs and M. le Comte Dillon, representative of Messrs. Mackay and Bennett; that the clauses have been accepted by him, and that the clauses of the contract, for the most part, were spontaneously proposed by the grantees.

In this state of things, which I shall be obliged to you to expose to your Government, you will acknowledge, sir, I have no doubt, that the contract in question in nowise infringes the engagements agreed upon in 1879 by the Government of the Republic.

Receive, &c.,

JULES FERRY.

[Inclosure 2 in No. 585.]

Mr. Brulatour to M. Jules Ferry.

LEGATION OF THE UNITED STATES,
Paris, July 11, 1884.

SIR: I have the honor to acknowledge the receipt of your communication of the 8th instant, in relation to the request of my Government for reciprocal treatment when an American transatlantic cable company seeks the privilege of landing its cables upon the shores of France.

Your excellency states substantially that the treatment of reciprocity is not refused to the Commercial Cable Company, in whose behalf I have asked for the right of landing in France, but that this company, having only an indirect communication with the United States, was not entitled to the same terms granted to the French company, whose lines are direct; that the agreement of 1879 between France and the United States meant equal treatment of Americans and Frenchmen desiring to establish telegraphic communication across the ocean, and that the conditions imposed upon the Commercial Cable Company are exactly those which the French Government impose upon any French company situated in the same manner and making the same application.

I shall lose no time in making known this reply to my Government, but in awaiting its answer I may be permitted one remark.

Your excellency states that the Commercial Cable Company had accepted the condition, objected to now, affixed to the concession of the privilege of landing, when, by instruction of my Government, Mr. Morton thanked you for having made it. I must say here that Mr. Frelinghuysen became aware of the concession only through your communication of February, 1884 (no date), which did not mention "that the privilege thus granted was liable to be suppressed at any time, upon a year's notice." I must also repeat that the objectections of my Government have not in view the particular interests of the Commercial Cable Company, but a question of principle involving the interests of every concession.

I avail, &c.,

E. J. BRULATOUR.

No. 107.

Mr. Frelinghuysen to Mr. Morton.

[Telegram.]

WASHINGTON, *July* 17, 1884.

Mr. Frelinghuysen telegraphs Mr. Morton to the effect that the commercial cable is as direct as the French cable, inasmuch as both touch at a point between France and the United States. The fact that St. Pierre is French is of no consequence, as, in the nature of things, any American cable must touch at some point before reaching France, and upon foreign soil, as we have no foreign possessions. To deny this right is consequently to deny the United States the reciprocal obligation of the agreement; for no cable has been laid and probably none will be laid which does not touch at some intermediate station between the United States and the continent of Europe. It is considered almost impracticable to lay one otherwise.

The provision as to measures of Congress in the future cannot be used against the present application; for any such measure if passed would be general in its bearings and would apply equally to all cables, American, French, English, or other, while Mr. Ferry now desires to impose upon the Commercial Cable Company restrictions not imposed upon the French company now in existence.

Further, the agreement of 1879 stipulates for reciprocal treatment in France of French and American cable companies. Mr. Ferry now proposes conditions to which the present existing company is not subjected. The fact that any company established hereafter would be subjected to like conditions is not of importance, as present and not future facts are now under consideration. The United States claims for the Commercial Company the same rights as those at present enjoyed by the existing French company.

Mr. Morton is instructed to bring these considerations to Mr. Ferry's attention, using this telegram as a text on which to base his arguments.

It is thought that the question should be speedly settled, in accordance with the spirit of the agreement, stipulating for equal privileges to American and French cable companies.

No. 108.

Mr. Morton to Mr. Frelinghuysen.

No. 589.] LEGATION OF THE UNITED STATES,
Paris, July 22, 1884. (Received August 4.)

SIR: Upon receipt, on the 18th instant, of your two cipher telegrams of the 17th, I arranged an interview with the president of the council that afternoon, when I informed him that while at Ragatz with my family, *en route* for St. Moritz, I received a telegram from you requesting me to return to Paris to confer with him with reference to the difficulty which had arisen respecting the concessions to the Commercial Cable Company.

I then stated that you had been informed, by telegraph and by mail, of the reply made to the representations of the legation by himself and

by M. Cochery, that you could not see any difference in the situation of the Commercial and French companies, and that you insisted upon equal treatment for both. I called his attention particularly to every point mentioned in your telegram, namely, that the fact of touching at Ireland could not make the Commercial cable an indirect one, if the French cable, which touched at St. Pierre, was a direct one; that to touch at some point *en route* was a practical necessity; that to affix to the privilege of landing granted to the Commercial Company conditions not imposed on the French company, particularly the clause by which this privilege can be canceled upon one year's notice, was to deny to us the reciprocal obligations of the agreement of 1879; and finally, that the provision of this agreement in relation to future legislation by Congress could not be invoked, because such legislation would be general, whereas it was sought to place the Commercial Company on a different footing from that of the French company.

M. Ferry said that this matter was in the hands of his colleague, the minister of posts and telegraphs, to whose attention he would bring it at the cabinet meeting of the next morning; he had only a general knowledge of the subject, but he knew very well that the French Government had no intention whatever to claim unequal or unfair conditions of the Commercial Company.

I replied that I was pleased to receive this assurance; for my Government, last year, when the question was raised in Congress that the French company had forfeited its privilege by combining with other companies to establish uniform rates, did not press the investigation, but it might be forced to notice this plain violation of the agreement of 1879 should the question be brought forward.

M. Ferry made no reply to this remark, and it was agreed that I should see him in the morning, when he stated that the whole difficulty was caused by the fact that the Commercial cable was not a direct one; "but," said I, "we contend that it is as much so as the French cable, which stops at St. Pierre." "It is not," he replied; "the Pouyer Quertier cable is a Franco-American cable; it connects directly no other countries but France and America, and it can transmit directly, without borrowing from any foreign country, French messages to America, or American messages to France; it stops at St. Pierre, not to receive a feeder. Whereas the Commercial Company is, in fact, an Anglo-American cable, with a separate branch line to France; it connects directly no other countries but Great Britain and America, and all French messages intended for America, or American messages intended for France, are received and retransmitted from British soil. It does not merely stop to facilitate the submarine transmission; it ends there practically for the purpose of taking the British traffic which is to be its principal source of income. In short, the particular cable which the Commercial Company intends to land at Havre is entirely out of the control of the United States. It cannot be laid without the consent of Great Britain, and France herself cannot give this consent, for she has granted to the English Submarine Company the monopoly of laying across the Channel all the cables connecting France with Great Britain, which monopoly expires only in 1889. If such is not the case, why has the Commercial Company been obliged to purchase from the Submarine Company the privilege of laying its cable between France and Ireland?"

To my inquiry, if he found there a justifiable motive for denying to an American company the reciprocal treatment promised to it in good faith through the agreement of 1879, he instantly replied that such treatment was not denied to the Commercial Company, that it was placed

upon exactly the same footing as all the French companies to which, during late years, concessions had been made, and that even the Pouyer Quertier company was subjected to the condition (of which we complained particularly) of having its privilege canceled at the will of the Government, because it is a principle of law in France that all unlimited concessions can be ended at the pleasure of the state.

"If such is your right," said I, "why do you insist upon affixing this obnoxious clause to the charter of the Commercial Company?" "Because," he replied, "it is now a rule of this Government to do so in every instance; but," he added, "I beg you to believe that we have not the remotest intention of taking advantage of this clause, which is made necessary under our European system, but which would never be applied except under very pressing emergencies. To convince you, however, of our conciliatory disposition, we are willing to assure to the Commercial Company a delay of two years, or even three years, before this clause could be applicable." I said my Government had more in view the question of principle than the particular interest of the Commercial Company, and that you claimed entire reciprocity. He repeated that we enjoyed the benefit of the full reciprocity contemplated by the agreement of 1879, and to be better enlightened in this respect he advised me to see M. Cochery, who, he was sure, would make the matter very clear to me.

I accordingly called on the minister of posts and telegraphs, with whom I have had two conferences, during which the subject was fully discussed in the most friendly manner. M. Cochery reasserted most emphatically each of the statements which the president of the council had made. He explained that the rules applicable to telegraphic lines are now liable to be frequently changed for the better; that in 1879 it was not deemed necessary to mention in the stipulations of the French company that its privilege could be suspended at the will of the Government, but that for several years not a single telegraphic line had been conceded by France without this clause, and he produced many of the original contracts of such concessions, in every one of which I read, "The Government will have the right, at any time, to suspend or withdraw the right to use the line conceded without being bound to pay any indemnity, or to reimburse any cost."

"Such being the case," he argued, "the Commercial Company cannot expect to receive better terms than those actually made to others, and we are fully in accord with the spirit and letter of the agreement of 1879 when we grant to that company what we grant to our own people. But we have gone beyond that; in allowing that company to lay a cable across the Channel—if the Submarine Company to which this monopoly belongs does not object—we have given, through high regard for your Government and people, an exceptional favor, which has already been to me a source of many annoyances, and for which I am threatened with an interpellation at the Chamber. Should I remove from the stipulations of this company the clause of which you complain, what defense shall I make when charged at the Chamber with having given unnecessary facilities to a foreign company, established to compete with a French line through English channels? Let the Commercial Company establish a direct line, a line under the sole control of the United States and France, and I will instantly grant to it the identical terms granted to the Pouyer Quertier company (although we do not now grant such terms), because I would then be protected by the agreement of 1879, which binds me in one case, and not in the other.

"The claims you are pressing upon me," he added with much warmth and feeling, "is an unjust one under the circumstances; it has no foundation in equity, and it is particularly painful to me, for it implies on your part the supposition that I can be party to an unfair arrangement. I give you my word of honor that we have not the slightest intention of embarrassing the Commercial Company or of loading it with burdensome conditions. This one year's notice clause is now more a matter of form and of rule than anything else; it is a guarantee for the Government, and not a scheme to deprive an honest company of its legitimate property."

Finally M. Cochery said that in deference to your and to my personal interposition, he will add to the stipulations of the Commercial Company a clause stating that the provision giving to the Government the right to cancel its privilege upon one year's notice will not be applicable before the 12th of January, 1889, when the monopoly given to the Submarine Company for the Channel cables will expire, and when it will become necessary for France and England to establish new regulations for all submarine cables.

I must say that M. Cochery's language struck me as being perfectly sincere, and that he, as well as M. Ferry, seems truly animated with the desire of treating this matter fairly and to our entire satisfaction.

They both declare that the reciprocal treatment we claim is more than secured to the Commercial Company; that the stipulations presented to this company are those to which every other company has subscribed, and that though the clause canceling the privilege granted at the option of the Government is not inscribed in the stipulations of the Pouyer Quertier company, it is nevertheless binding upon that company. They both also state, with equal positiveness of language, that the clause is not intended to work, and will not work, any injustice against the Commercial Company.

It seems difficult to doubt the sincerity of this language. I have had with both M. Ferry and M. Cochery intimate personal relations during the last three years, and I cannot but entertain a high opinion of their characters, of their sympathies for our Government and people, and of their true desire of being agreeable to us. I have had so many evidences that it is impossible for me to question, in this instance, their good-will and friendly intentions.

M. Cochery also said he would concede a special wire to the Commercial Company from Havre to Paris.

I have not accepted the proposition of M. Cochery, which is practically the proposition of the French Government, but I believe the conditions named are all the French Government can concede under the circumstances; it is really crippled by its commitments to the Submarine Company and by the precedents established by existing contracts with its own citizens; it feels that it is carrying out, in good faith, the spirit as well as the letter of the mutual agreement of 1879, when M. Outrey gave "the assurance that the French Government would make no difficulty in according, in case of need, to American citizens the same privileges as to its own fellow-countrymen."

I have, &c.,

LEVI P. MORTON.

No. 109.

Mr. Davis to Mr. Morton.

[Telegram.]

WASHINGTON, *August* 11, 1884.

Mr. Davis telegraphs Mr. Morton that in the Commercial Cable matter that, besides the single condition named by the minister of posts and telegraphs, of one year's notice to buy the cable after 1889, he proposes:

(1) That, without his permission, the American cable shall not change its rates;

(2) That the rates between France and America shall be the same as those between any other European country and America;

(3) That the American cable may be suspended arbitrarily under police regulations at any time (aside from the suspension mentioned in Mr. Morton's dispatch); and

(4) That all American cables shall be subject to the London convention.

Mr. Morton is instructed to communicate to the Department any information he can obtain on these points.

No. 110.

Mr. Morton to Mr. Frelinghuysen.

[Extract.]

No. 620.] LEGATION OF THE UNITED STATES,
Paris, September 17, 1884. (Received October 3.)

SIR: On the 13th of August I telegraphed you that after further conferences with the minister of posts and telegraphs he had substantially agreed to the following terms:

(1) To authorize the Commercial Cable Company to reduce its rates without notice and to re-establish the regular rates.

(2) Rates between any given points in the United States and France to be the same as between that point and any European country.

(3) Option between the clause giving the right to the French Government to cancel the privilege of landing upon one year's notice, but with the pledge that this right will not be used before the 12th of January, 1889, when the monopoly given to the Submarine Company expires, or the general clause inserted in all French concessions stating that the Government will have the right at any time to suspend or to withdraw the right to use the line conceded without being bound to pay any indemnity or to reimburse any cost.

* * * * * * *

As the terms herein accepted were not entirely satisfactory to M. de Castro, one of the two representatives here of the Commercial Cable Company, I telegraphed you the same day as follows:

Representative of Cable Company here objects to the limit of 1889, and would prefer the general clause under which French Government has the right to revoke at any time concession made, provided it is stated that this clause is applicable to all existing lines. I shall see if this can be obtained.

On the 29th, after many interviews and conferences with the high officials of the postal and telegraphic departments, M. Cochery being absent, I sent you by cable this dispatch:

FRELINGHUYSEN, *Secretary, Washington:*

Referring to my telegram of August 23, stating that the representative of the Cable Company objected to the limit of 1889 and preferred the general clause under which French Government has the right to revoke at any time concessions made, provided it is stated that all French and foreign telegraph companies holding a French concession are subjected to this condition, I have to report that the minister of posts and telegraphs is willing to address me an official communication containing this statement. The minister explains that the right here claimed is not to be used unless under extreme emergencies, but that it is one no state can renounce; it is a high police right recognized by international law and belongs to the United States as well as to all nations. This arrangement seems to be quite satisfactory to the representative of the Cable Company here, at whose request I have also asked and obtained the drivilege that the rates may be raised to 2.50 francs instead of 2 francs.

I supposed that everything was then settled, so far, at least, as the French administration was concerned. This was my understanding, as well as yours, and on the 1st of September you instructed me to accept, under reserve, the proposition made. Your telegram of the 1st September was translated as follows:

Under the circumstances you may accept French proposition stated in your telegram of the 29th instant. If agreeable, cable representative, but state that you reserve all right to complete reciprocity which the United States may have, leaving that as subject for future discussion, without prejudice to the United States, should occasion arise.

FRELINGHUYSEN.

Before complying with this instruction I deemed it advisable to recall to the minister of posts and telegraphs the terms agreed upon between his department and the legation, and I accordingly addressed him on the 6th instant the following letter, which was approved by M. de Castro:

LEGATION OF THE UNITED STATES,
Paris, September 6, 1884.

To his Excellency Monsieur COCHERY,
Minister of Posts and Telegraphs, &c.:

SIR: Consequent upon the explanations which were exchanged between your department and this legation, with reference to the conditions to be fulfilled in order to have the right of landing upon French soil the cables of the Commercial Cable Company, it was finally arranged—

(1) That the American company may, without previous authority, either increase its rates to 2.50 francs per word or reduce them to a lower price.

(2) Should the reduction of rates made by the company be caused by unusual circumstances, such, for instance, as a war of rates, the company shall have the right at any time to recur to its usual rates.

(3) That the rates charged between a given point of the United States and France shall be the same as those charged between this same point and any European country.

(4) That all the American cables between France and Great Britain shall be subject to the rules of the London convention.

(5) That the specifications of the Commercial Company shall contain the general clause inscribed in all French telegraphic concessions, by which the Government of the Republic reserves to itself the right to suspend or revoke at any instant the concededline, but that you would address me a letter, stating that all telegraphic land lines or submarine cables conceded by France are subject to this condition.

Ths condition, you assured me, is more a matter of form than of consequence, and is only a recognition of a right of high police which belongs to every Government, but that this right is one of which no use would be made except under extraordinary circumstances, and that the French Government has neither the intention nor the desire to profit by the same to hinder or prejudice the Commercial Company.

In accepting these conditions I reserve all right to complete reciprocity which the United States may have, leaving that question as a subject for future discussion, should occasion arise, without prejudice to the United States.

Awaiting your confirmation of this understanding,

I have, &c.,

L. P. MORTON.

When this letter was written, M. Cochery was still absent. Upon his return to Paris, he requested Mr. Vignaud to call, and declared to him very frankly that it was impossible for him to write to me in his offical character a letter by which he would assent to the propositions set forth in my communication, as he could not do so consistently with his previous engagements and the rules of his department.

After two long conferences with Mr. Vignaud, he finally agreed to the following memorandum, which states exactly what he is now willing to do. This memorandum was reduced to writing by Mr. Vignaud and submitted to M. Cochery, who approved it.

MEMORANDUM.

With reference to the right of landing in France the cables of the Bennett-Mackay American Company for which the Government of the United States has made application to the Government of the Republic, the minister of posts and telegraphs has had the goodness to furnish the following verbal explanations upon various points of the specifications of this company.

The minister of posts and telegraphs consents that the rate of dispatches, instead of being fixed at 2 francs, should be increased to 2.50 francs In case a decrease of the rates should take place, the minister, while reserving his absolute right of opposing any increase, explained that, as a rule, he never does so oppose when a decrease has been brought about by the necessity of fighting against the proceedings of a competition.

The minister also explained that in reserving the right of the administration to suspend or to put an end to the right of landing, he only conforms to a general clause imposed without distinction upon all the present concessions; he added, that even the Pouyer Quertier Company, by the fact of there not being a date fixed for the termination of its concession, is by virtue of French law and jurisprudence subjected to limitations.

The minister further stated that it should be understood (1) that the rates charged between any points whatever in the United States and France shall not be higher than those charged between this same point and any of the European countries, and (2) that the cable, of which the right to land is applied for, and which connects France and the United States after touching at a point in Ireland, shall be submitted to the regulations of the London convention.

Finally, the minister said, that to give to the United States a proof of his good will he consents that the concession granted to the American company shall in no case be withdrawn before the 12th January, 1889, upon which date the monoply of the Submarine Company expires.

September 16, 1884.

In his conversation with Mr. Vignaud, M. Cochery dwelt at length upon his desire of complying with our request and of extending to the Commercial Cable Company all possible facilities, but he insisted that it would be quite improper for him to state in writing that the police right of revoking a telegraphic concession, which he considered essential to every Government, will not be used under ordinary circumstances, although such is the fact.

You will observe that although he formerly emphatically declared that no Government could yield the police right to revoke a telegraphic concession, and still professes that such right is necessary to every Government, he now assents to your conditions, as stated in your telegram of August 23, that under no circumstances will he avail himself of this right before 1889.

As this matter does not seem to be as urgent now as it was before, I shall await your instructions before taking any further steps in the premises.

I have, &c.,

LEVI P. MORTON.

No. 111.

Mr. Vignaud to Mr. Frelinghuysen.

No. 651.] LEGATION OF THE UNITED STATES,
Paris, October 27, 1884. (Received November 12.)

SIR: Your dispatch, No. 477, of date March 25, 1884, instructed Mr. Morton to lay before the French Government the case of Mr. John B. Foichat, a naturalized American citizen of French origin, who, while visiting his native town, was arrested and subjected to harsh treatment for having failed to report himself for military service when he was of age, and who, for this reason, claims an indemnity.

Mr. Morton, however, was requested to present this case only if the facts upon which it rested were correct. These facts having been found to be so, Mr. Morton laid the whole matter before M. Jules Ferry in a communication dated April 22, 1884, embodying in substance, and partly in form, your own clear and forcible statement of the case.

M. Ferry's answer came to hand only a few days ago; it is dated October 27, and I send herewith a copy and a translation of it, together with a copy of Mr. Morton's note.

The French Government admits substantially the facts of the case. Notwithstanding his American papers, Foichat was arrested on the charge of being an "*insoumis.*" He was handcuffed and confined in prison; but the French Government denies that these facts entitle Foichat to any compensation, and maintains the ground it has invariably taken each time the legation has interfered on behalf of American citizens of French birth who had been naturalized after military service was due, viz, that every Frenchman is liable to be called to perform military service, and that to refuse to discharge this important public duty is an offense punishable by law, which the acquisition of foreign citizenship cannot remove, particularly when the change of nationality has taken place for the very purpose of avoiding the performance of that duty, which is generally the case.

Pressure of work prevents me from adding anything to this communication. I propose, however, to send by our next pouch a dispatch reviewing the whole subject of American citizens of French origin who have not performed military service in France.

I have, &c.,

HENRY VIGNAUD.

[Inclosure 1 in No. 651.]

Mr. Morton to M. Ferry.

LEGATION OF THE UNITED STATES,
Paris, April 22, 1884.

SIR: I am directed by my Government to call the attention of your excellency to the case of Mr. John B. Foichat, an American citizen who claims due reparation for the harsh treatment to which he was subjected while visiting France last year.

It appears from the sworn statement of Foichat, a copy of which is herewith inclosed, that he was born at Bordeaux (Savoie) on the 4th of January, 1853, In 1870, when seventeen years of age, he went to the United States and has ever since resided in the State of Indiana. In May, 1883, he was regularly admitted to citizenship of the United States by the circuit court of the State of Indiana for Parke County. In August, 1883, he obtained a passport from the Department of State, with a view of revisiting his native town and his relations there, and arrived in Bordeaux in September, 1883. On the 22d of November following, he was arrested on the charge of having failed, when he attained the age of 21 years, to report for military service. He ex-

hibited his passport, certificate of naturalization, and demanded to be released and allowed to proceed on his way. These papers, together with his private papers, were seized and retained by the officers, and he was kept in the military prison at Chambéry two days and three nights; he was then handcuffed and taken to the military prison at Grenoble to be tried by court-martial; then he was imprisoned in a cell and his valuables all taken from him. He was detained at Grenoble for four days. His case at last reached the ear of B. F. Peixotto, esq., United States consul at Lyons, and through the efforts of that officer Foichat was released on the ground of his American citizenship.

The correctness of this statement having been confirmed by the American consul at Lyons, who took pleasure, however, in acknowledging the courtesy of the high officials to whom he applied in behalf of Foichat, complaining only of the action of subordinates, I must concur in the view expressed by the Department of State, "that aside from the mere personal inconvenience and expense to which Mr. Foichat was subjected, the transaction involved an unwarranted and seemingly unnecessary indignity offered to a citizen of the United States which this Government cannot suffer to pass unnoticed."

I am, therefore, instructed by the honorable Secretary of State to present this claim to your excellency, with the earnest request on the part of my Government "that the subject may receive from that of France early and just consideration, and that a reasonable pecuniary indemnity will be awarded and paid on behalf of Mr. Foichat." "I cannot allow myself to doubt," says Mr. Frelinghuysen, in words which I am glad to quote, "that the justice of the claim will be at once recognized by the French Government, animated as that Government is by the highest sentiments of liberality and fairness."

I avail, &c.,

L. P. MORTON

[Inclosure 2 in No. 651.—Translation.]

M. Ferry to Mr. Vignaud.

PARIS, *October* 22, 1884.

SIR: On the 22nd of April Mr. Morton drew my attention to the rigorous measures which Mr J. B. Foichat, of French origin, a naturalized citizen of the United States, had incurred at the hands of the French authorities during the latter months of the past year. Mr. Foichat, born on the 4th of January, 1853, at Bordeaux (Savoie), went in 1870 to the United States, where he acquired, in 1883, naturalization. Upon his return to France, at the end of the same year, he was arrested in his native town for insubmission (*insoumission*), then set at liberty upon the intervention of the American consul at Lyons. On account of these facts, the Government of the United States considered that a pecuniary compensation should be granted to him.

Allow me to recall in the first instance, that upon principle we have constantly refused to admit that a Frenchman, naturalized in a foreign country, can be exempted if he returns to France from being answerable for the offense of insubmission, when the naturalization has taken place subsequently to the existence of the offense. You will understand that we cannot abandon this jurisprudence, which is dictated by a question of public order of a most important character, and against which the Government of the United States would be all the less founded in protesting, as it is in conformity with one of the principal provisions which appear in the treaties of naturalization concluded by it with certain powers.

The treaty signed on the 22d of February, 1868, between the United States and Prussia, stipulates in fact (article 2) that a naturalized citizen of either of the contracting parties, in case of return to the territory of origin, can be proceeded against and punished in consequence of acts, qualified as offenses or crime by the laws of such country, which he may have committed before his emigration, unless, according to the laws of his country of origin, he enjoys the privilege of prescription.

An inquiry was none the less ordered to be made with reference to the complaints made by Mr. Foichat. I have the honor to communicate to you herewith copy of the report of General Carteret Trecourt, military governor of Lyons, stating the result of the same. As you will perceive, from the perusal of this document, the grievances complained of by Mr. Foichat are in no wise justified, and do not give him, in consequence, any right to the compensation he solicits.

I shall be much obliged if you will acquaint Mr. Frelinghuysen with the reasons which do not permit us to comply with his request, and to have the goodness to insist especially upon the juridical considerations, which oblige us to reserve expressly the right to prosecute, upon his return to France, any individual charged with an infraction against our military laws, committed previously to naturalization abroad.

Receive, &c.,

JULES FERRY.

[Inclosure 3 in No. 651.—Translation.]

General Carteret Trecourt, military governor of Lyons, commander of fourteenth army corps, to the minister of war.

LYONS, *May* 23, 1844.

Mr. Foichat having come to France in the month of September, 1883, that is to say, hardly four months after his change of nationality, the French authorities could not be notified that he was an American subject; his name appeared therefore upon the register of insubordinates.

Arrested on the 23d of November, he produced an American passport, but this document was not sufficient to obtain his immediate release, the gendarmerie, acting in virtue of a description No. 1, had to keep him in custody, having no capacity to decide upon the authenticity or value of the document submitted to them.

Escorted without any resistance before the recruiting commandant of Chambéry, and then to the prison of this town, Mr. Foichat was not subjected to any rigorous measures, the gendarmes, not having handcuffed him, thus taking upon themselves to render as light as possible the application of the general rule.

During his transfer, however, from the prison of Chambéry to the military prison of Grenoble, the gendarmes applying in his case the precautionary measures usual in such cases, thought fit to put on the handcuffs.

From the information obtained from the military prison of Grenoble, it appears that Mr. Foichat was subjected to the ordinary regulations of the establishment, and that he was not the object of any exceptional measures.

With reference to the impediments, according to the complainant, to his communicating with the consul of the United States at Lyons, it is sufficient to state that on the 28th of November I had already been applied to with reference to the claim of Mr. Foichat by the prefect of the Isère, acting at the instance of the consul of the United States.

Besides, as soon as the situation of this subordinate had been defined, and that I had the proof of his nationality, I gave orders by telegraph for him to be set at liberty, which took place on the 29th of November.

CARTERET.

No. 112.

Mr. Vignaud to Mr. Frelinghuysen.

No. 665.] LEGATION OF THE UNITED STATES,
Paris, November 13, 1884. (Received November 28.)

SIR: When they happen to visit their mother country, American citizens of French origin who have not performed military service in France are much astonished to find that notwithstanding their American passport and citizen papers they are called upon to account for having failed to report themselves for military service when it was due, and subjected in consequence to many inconveniences, sometimes to harsh treatment. They immediately apply to the legation for protection, and when informed that its action in such cases is very limited and mostly dependent upon the good will of the French authorities, they bitterly complain of being unsupported when they had been led to suppose that their acquired citizenship would shield them against inquisitions of this nature, and come very near charging our Government with culpable negligence of one of its most sacred duties—the protection of its adopted citizens traveling or residing abroad.

These complaints, although very natural under the circumstances, arise from a misunderstanding of the rights naturalized citizens can legitimately claim from their adopted Government and of the duties that Government assumes towards them. With a view of making this subject clear, I will endeavor to state here the grounds of the action of the French Government in the cases under consideration.

Natural citizenship in France is not incidental to the place of birth but

to parentage; it is a privilege obtained by inheritance and transmitted in the same manner. A Frenchman carries with him his nationality wherever he goes, and transmits it to his children wherever they are born. The child of a Frenchman born abroad is French; the child of a foreigner born in France is not French.

This principle involves certain logical consequences. When nationality is made to be dependent on the soil it can easily be transferred; in selecting another home a person places himself in the same relation towards his adopted country which he occupied towards the country of his birth. Expatriation in that case leads to a transfer of allegiance. But when national character is given by the blood expatriation does not work of necessity a change of allegiance, because the original conditions remain what they were. In this case one carries with him that which gives him his national character; in the former case he leaves it behind.

It is not surprising, therefore, if the countries holding, like France, that natural citizenship is a privilege inherent to the blood, are more or less prejudiced in favor of the doctrine that a person cannot reject his national character of his own motion, that is to say, without the consent of his Government. Such has been the doctrine in France for many years, and, although now it has lost much of its rigidity in its practical bearing, it is still maintained in principle and enforced to a certain extent.

No law recognizes in a Frenchman the right of expatriating himself and of throwing off his allegiance. He can do so lawfully only if he obtains the consent of his Government. He may lose his national character, however, by doing a number of things which are described in the Code. Seeking or accepting foreign citizenship is one of these things. A natural-born Frenchman who transfers his allegiance to another country commits an act by which he forfeits his claim to French citizenship and for which he is made to suffer more or less. Unlike any other foreign citizen, for instance, he cannot take up his residence in France without the authorization of the French Government. Again, unlike any other foreign citizen, he cannot bear arms against France without incurring the penalty of death.

A Frenchman naturalized abroad, whether with the consent of his Government or without such consent, ceases therefore to be French. Of this there can be no question. But the consequences of the act might be quite different for him in the two cases. If he has secured permission to change his allegiance, nothing is claimed of him when he returns to France; if he has not, three things may happen to him:

(1) The validity of the naturalization may be contested in its bearing upon French law and its operation in France. For instance, the change of nationality must have taken place by the free action of the party who claims to have made the change. If obtained through annexation or conquest of a territory it may be declared void. The same if conferred to a minor or to a married woman not authorized by her husband. "If the acquisition of another national character," says the court of Lyons (judgment of October 19, 1855), "is governed by the laws of the country where it is obtained, the loss of the original character depends only on the country to which the naturalized party belongs."

(2) The naturalization, although admitted to be valid in France, may be declared to have no effect as to certain particular things; this happens when the change of nationality is sought and obtained for the purpose of evading the operation of a law. In such cases the naturalization

will not hold against that *particular* law. "Naturalization sought exclusively for the purpose of violating a French law," says the court of the Seine, 1877, "cannot hold against the interests of public and private order, which this very law is made to protect." But it does hold in all other circumstances. For instance, a Frenchman, having taken advantage of the extraordinary laxity of the Swiss naturalization laws, to become a Swiss citizen, without even leaving France, for the evident purpose of divorcing, the court decided that his naturalization would not be recognized to the extent of giving validity to his divorce, though it would hold good for all other purposes.

(3) The naturalization may be admitted to be fully valid in France, but only from the moment it was legally obtained and with no retroactive effect. Thus, a Frenchman who becomes naturalized abroad is admitted to be a foreigner, but is held to account for having failed to comply with the military laws of France, because this offense necessarily preceded the change of nationality, which, according to the French theory, is not to be recognized if made before coming of age.

Having thus briefly explained the principles and theory of the French legislation and policy in relation to the change of allegiance of French citizens, I will now state what is the practice in such cases.

The son of every Frenchman is registered at the place of his birth, if born in France, or at the place of his family's residence if born abroad, as liable to military service. This registration forms in each commune a recruiting list, which is drawn up every year by the mayor, who afterwards sends it to the prefecture of the department, where it is combined with all the other lists in a general one, comprising all men belonging to the department born twenty years before. When the time comes each person registered on that list is notified to present himself at a designated place. If residing abroad, this notice is served upon him through his consul or through his parents and relatives residing in France. If he fails to report himself when called upon, he is charged with being an *insoumis*, a peculiar offense known in French law as the offense of "insubmission" (*délit d'insoumission*), and his name and description are given to the police authorities with the order to arrest him when found.

A Frenchman naturalized abroad is sure to be arrested when he comes to France, if his name is recorded on the recruiting list of his commune or department, and it is sure to be thus recorded if he has not performed his military service or if he has not been regularly exempted from that service for some particular cause. If he opposes no resistance, he is generally dealt with gently, otherwise he is handcuffed and roughly treated. The police deliver him to the military authorities of the department, where he is charged with being an "*insoumis*" and where a court-martial proceeds to try him upon that charge. He pleads that he has renounced his original nationality, that he is now a foreigner—generally an American or Swiss citizen—and that as such he is not liable to military service in France. To this plea the court-martial usually replies that it is not competent to pass upon questions of nationality, that such questions belong to the jurisdiction of the civil courts, to which the defendant must appeal, and it suspends its action until it is informed of the result of such appeal. While this appeal is pending, the defendant, as a rule, is left temporarily at liberty. If he is imprisoned, and the fact brought to the notice of the legation, a request addressed to the minister of foreign affairs, or to the minister of war, or to the general commanding the department, should the case be urgent, generally secures release on parole.

The case is brought before the civil court by summoning the prefect of the department, who is responsible for the preparation of the recruiting list, to erase from that list the name of the defendant. The documentary evidence necessary to establish a case are an American passport and a certificate of naturalization, accompanied by a French certificate from this legation describing the contents of the naturalization papers and vouching for their authenticity. If the defendant happens to be born in the United States he must also produce a certificate of his birth, written in French or translated by a sworn translator, and duly legalized either by a French consul in the United States or by this legation.

If his father has acquired American citizenship, it is well that he should produce, besides, a certificate of his father's naturalization.

Upon the production of such evidence the French courts of justice render a judgment declaring that the defendant having ceased to be a French citizen cannot be held to perform military service in the French army, which, by the law, is entirely composed of Frenchmen. The defendant then goes back to the council of war, where his name is definitively erased from the French military rolls. The court nevertheless tries him for the offense of insubmission committed before he could have legally thrown off his original allegiance. If three years have elapsed since the day he was fully naturalized he benefits by the statute of limitation and is discharged. If he has not been naturalized for such period he falls under the action of the law punishing insubmission, and is sentenced to a fine or to a few weeks' or months' imprisonment, perhaps to both, according to the circumstances of the case.

If the defendant has resided abroad only a few years; if he took out his naturalization papers only a short time before returning to his native place; if, in short, he seems to have left France and to have renounced his original nationality for no other purpose than avoiding military service, the sentence is as severe as it can be. If on the contrary the defendant has been residing a long time abroad; if there are reasons to warrant the belief that he truly expatriated himself and became in good faith and with good intent a citizen of another country, the sentence is as light as possible; sometimes there is none at all, and the defendant is discharged without fine or punishment.

Whether punished or not, the defendant, when he is released by the military authorities, is not at the end of his troubles. He is now turned over to the civil authorities, who in dealing with him are guided by the same rules which governed the military councils. If he is supposed to be a *bona fide* foreign citizen, he is not interfered with; if he is suspected of having acquired his foreign citizenship to escape military service, he is at once expelled from France.

I must say that nine times out of ten an order of expulsion awaits the Frenchman naturalized abroad who ventures to come to France before having performed his military service. The interposition of the legation in such cases is useless. The French Government is very sensitive on this point, and will listen to no request tending to allow one who has averted military service by placing himself under a foreign flag to remain unmolested, and apparently in defiance of the French military laws, in the midst of those who are rigorously held to obey them. We have occasionally obtained a short extension of the time allowed for leaving France. We have never secured the revocation of an order of expulsion issued under such circumstances. As an example I can cite the case of Lacazette.

Lacazette was an American citizen of French origin, who, after hav-

ing obtained the erasure of his name from the French recruiting list, was ordered to leave France before a fixed date. Lacazette being in bad health, Mr. Morton, at his request, asked that he be allowed to delay his departure for five months; the French Government replied that the request could not be granted because there were objections to the presence of Lacazette in his country of origin. (See inclosure 1.)

With the hope of relieving some of our American citizens of French origin of the trouble, expense, and mortification of having to appear before military councils and civil courts to establish their rights, we attempted in several cases to notify the French Government that persons born in the United States, or who had been naturalized there, were American citizens, and asked that their names be erased from the French military rolls; but the French Government declines to accept such notification, and replies invariably that those who are claimed by France as natural-born citizens can be dispensed with the military obligations imposed upon them only by procuring from the French Government the authorization to change their nationality, or by obtaining from a French court of justice a judgment declaring that they have lost their French character.

Two recent cases, those of Aubry and of Jacob, are good illustrations of the attitude taken by the French Government when applications of the kind above referred to are made to it. Aubry was a young Frenchman naturalized in New York in 1882. Mr. Morton sent to the minister of foreign affairs a duplicate of his certificate of naturalization, with the request that it be communicated to the military authorities in order that he might not be troubled by them. M. Challemel Lacour returned the certificate, with the simple statement that Aubry not having applied for the authorization to change his allegiance, the minister of war cannot erase his name from the French military rolls. (See inclosure 2.)

The case of Jacob, one of the most extraordinary on record in this legation, is still more striking.

Jacob was a natural-born American citizen, but his father was French at the time of his birth. Having come to France he was incorporated in the army. The legation remonstrated and asked that he be discharged. The French Government replied that it had no authority for so doing; that in France all questions of nationality were to be settled by the courts, and that Jacob had no other resource but to appeal to their decision. He did not do so, and after serving out his time, he returned home and applied to the Department to take steps to have his name definitively struck off the French military rolls. The French Government declined to do so on the ground that Jacob being the son of a Frenchman was also French, although born in the United States, and could therefore be released from his military obligations towards France only if a judgment of a court of justice declares that he has lost his French character, or by his acquiring American citizenship after having obtained from France the permission for so doing, a permission which the minister of war is willing to give. (See note of M. Waddington to General Noyes, inclosure to dispatch of Mr. Morton No. 494, and note of Mr. Ferry to Mr. Norton, dispatch No. 555.)

In fact the legation is powerless during the whole stage of the proceedings instituted against a naturalized American citizen of French origin who has failed to comply with the military laws of France. We cannot prevent him from being arrested upon his arrival in France; we cannot prevent his trial for insubmission; we cannot prevent his being fined and imprisoned; and finally, we cannot prevent his expulsion.

Almost the only thing that we can do is to see that under no consideration whatever an American citizen be compelled to perform military service in the French army, but this is a thing seldom attempted because it is contrary to French law.

Is there any remedy for this state of things? I fear not, because I do not believe the French Government will consent to make an agreement, or to come to a distinct understanding upon this subject, the terms of which would precisely inform French citizens desirous of evading the military laws of France as to what they had to do to attain their object. The present uncertainty of things creates fears and entertains apprehensions which deter many from resorting to a change of allegiance to avoid military service. Something, however, ought to be attempted to protect American citizens of French origin against the vexations to which they are exposed when they return to France. The position assumed by the French Government, that in France it belongs only to the courts of justice to pass upon questions of personal status and consequently of nationality, is undoubtedly sound in principle; but it does not seem that it can be maintained when the question to decide is whether military service is due or not.

Courts of justice are instituted to settle contested or doubtful questions. When the United States Government declares that a man is an American citizen, the matter is settled; in claiming him we furnish to the French Government the best of all evidence of his foreign citizenship. In a case established in such a manner there remains nothing doubtful; nothing which can be contested; nothing for a court to decide upon. If the French Government contended that naturalizations of this class, although valid abroad, might not be recognized in France, the case would be different, for there would be an object in subjecting these naturalizations to the courts; but no such right is claimed, nor can be claimed, because the Frenchman who states that he has become the citizen of another country, and who is recognized as such by that country, is, in the very eye of the French law, a foreigner. The formality of compelling those who claim exemption from military service to establish their foreign citizenship before a court of justice is, therefore, a useless and empty one.

The French Government needs not the judgment of a court of justice to exempt from military service the Frenchman who has thrown off his original allegiance. The law says that the Frenchman who has been guilty of this act is no more fit to perform military service. It is undoubtedly the duty of the Government to see that it is executed, and when it chooses it does. The mayors of the communes where the local recruiting lists are prepared; the prefect of the department where these lists are combined in one; the general in command to whom this final list is sent, and the minister of war, have each the authority and power to erase the name of those who are disqualified from military service. Without going further than this legation, I find evidence of the use of that power. In 1883 a natural-born Frenchman, Mr. John B. Foichat, who had acquired American citizenship, came to France, where he was arrested and confined in prison for a few days. Upon receiving evidence of his American citizenship the general commanding the department ordered his discharge, and he was liberated without having to appear before any court of justice. (See Mr. Morton's dispatch No. 651.)

Were we to ask the French Government to dispense with this troublesome, expensive, and useless formality of appealing to courts of justice to establish the citizenship of Americans of French origin, which is already established as well as it can be, by their papers, we would not

be asking anything contrary to the existing laws, or anything that the French Government has not heretofore occasionally granted. This is so true that in 1866 Mr. Drouyn de Lhuys himself suggested to Mr. Bigelow that a Frenchman, naturalized in the United States and liable to military service in France, should report himself at once to the mayor of the place where he is registered on the recruiting list and ask, after producing evidence of his naturalization, to have his name stricken therefrom. (Foreign Relations, 1866, I, 301.)

As the French Government cannot apply the law punishing "insubmission or disobedience" to those who have been naturalized for more than three years, because they are protected by the statute of limitation, and as it will certainly not renounce the application of that law whenever possible, we might ask that only those who are plainly covered by the statute of limitation be freed from seeking by any judicial process exemption from military service.

To effect this object a certificate somewhat similar to the one issued by the British Government to their subjects born in France (see inclosure 3) could be delivered, either by the Department or by this legation, to Americans of French origin applying for it, who have been naturalized for at least three years. The certificate would state that fact, and the mayors and prefects would be instructed, as they are now with reference to British subjects born in France, not to inscribe on the recruiting lists, or if already registered, to erase from such lists the names of those producing such certificate.

I have no reason to believe that the French Government will assent to such an arrangement; I even fear it will not; but as it is a fair and reasonable one, and as it would relieve many of our adopted citizens from unnecessary trouble, I think it ought to be proposed, and if the Department authorizes the legation to make an effort in that direction I have no doubt Mr. Morton will cheerfully do so.

In the mean time I venture to suggest that naturalized Americans of French origin who have not complied with the military laws of France, should in some manner be warned of the difficulties and vexations which await them in their mother country, if they happen to return there, and informed of the steps to be taken to avoid or lessen these difficulties.

Trusting that this dispatch may be useful in this respect, and apologizing for its unusual length,

I have, &c.,

HENRY VIGNAUD.

[Inclosure 1 in No. 665.]

M. De Freycinet to Mr. Morton.

PARIS, *June* 5, 1882.

SIR: On the 10th of April last I had the honor to receive a letter from you upon the subject of Eugene Lacazette, a naturalized American citizen, who, as such after obtaining the erasure of his name from the recuiting list was notified to leave France before the 17th of July. This young man expressed a desire to be allowed, on account of his health, to delay his departure for five months.

I promptly communicated this request to the minister of the interior. After a careful inquiry, Mr. René Goblet informed me that because of the circumstances which accompanied the liberation of M. Lacazette, and the inconvenience that his presence in his country of origin offered, it did not appear possible to authorize him to remain upon our territory for a longer term than the one assigned to him.

I can only express to you so far I myself am concerned, my regrets at not being able to defer to the recommendations which you have sent with the petition of the party interested.

Accept, &c.,

DE FREYCINET.

[Inclosure 2 in No. 665.]

Mr. Billot to Mr. Morton.

PARIS, *June* 7, 1884.

SIR: On the 1st of October last you forwarded to Mr. Challesnel Lacour, for communication to the French military authorities, the duplicate of the inclosed act of the supreme court of New York dated 17th July, 1882, according American naturalization to M. Julien Aubry, born on the 3d of February, 1856, at Cirey (Meurthe-et-Moselle), a young soldier of the class of 1876.

The minister of war, to whom my predecessor did not omit to forward this document, informs me that according to information obtained from the keeper of the seals this M. Aubry has not transmitted to the minister of justice any application to be authorized to acquire foreign nationality.

Under these circumstances his erasure from the lists of our army cannot be pronounced. However, this soldier having terminated his period of activity, in the event of his now making a similar application to the minister of justice in order to regulate his position, the minister of war would be disposed to support the same in a favorable manner.

I hasten to inform you accordingly.

Receive, &c., BILLOT.

[Inclosure 3 in No. 665.]

Certificate issued to British subjects born in France of a father also born there.

I hereby certify that A. B. has satisfied me, first, that his nationality by origin is that of a natural-born British subject by virtue of C. D. his paternal grandfather having been a natural-born British subject; second, that the said A. B. still preserves such nationality.

Signed by one of the secretaries of state.

Signature legalized by the French diplomatic or consular representatives.

CORRESPONDENCE WITH THE LEGATION OF FRANCE AT WASHINGTON.

No. 113.

Mr. Frelinghuysen to Mr. Denaut.

DEPARTMENT OF STATE,
Washington, December 27, 1883.

SIR: I have the honor again to refer to the claims pending before the French and American Claims Commission in regard to which correspondence has taken place between Mr. Outrey, Mr. Roustan, and this Department, and which I hold to fall within the principle agreed to by the two Governments in the case of Isaac Taylor against the Republic of France, pursuant to which the cases of Taylor and others were withdrawn from the Commission by this Government, and various cases against the United States were afterwards withdrawn by the agent of France.

The case of G. A. Le More and Company *vs.* The United States, No. 211 on the docket of the Commission, is founded upon the following facts:

The claimants allege that they owned a large number of bales of cotton, situated in Louisiana, which were seized by the fleet under Admiral Porter and taken to Cairo. Thereafter judicial proceedings were begun in the district court of the United States, and the case was carried on appeal to its ultimate resort in the Supreme Court of the United States,

the decision in each instance being adverse to the interests of the Messrs. Le More.

While the proceeding was in the nature of an action *in rem*, it is a well-known fact, and appears in the records of this Department and of the court, that the claimants were represented by counsel at every stage.

While the case was still pending the representatives of the French Government in Washington, and the Messrs. Le More directly, endeavored to obtain a consideration of their claim by this Department. This request was uniformly declined, and it was held that the claimants should first exhaust their legal remedies before appealing to diplomatic action. After the case had been decided in the Supreme Court, a motion for a rehearing was made by the claimants' counsel on the ground of an alleged error in the record prejudicial to the claimants' rights, which motion was refused; and a subsequent request having been made to this Department to reconsider the case diplomatically on the ground of a failure of justice to the parties, an adverse decision was rendered as nothing was found in the proceedings authorizing a recourse to the executive branch of the Government.

This claim, therefore, does not differ in principle from that of Taylor, and, in fact, it appears even more clearly to have been finally disposed of judicially by competent authority.

The claim of Mr. Taylor was founded upon the seizure by a French cruiser of petroleum owned by him laden upon a German vessel called the Magdalena, and Mr. Outrey in his note of November 18, 1881, says:

> This case having been decided in France by the prize court, and afterwards on appeal by the council of state, the agent of the French Government before the Commission has invoked the stipulations of Article II of the convention of January 15, 1880, requesting the agent of the United States Government to withdraw it before action in the case is taken by the Commission.

And further:

> In investing the Commission with absolute powers, and in according to its decisions a character of finality from which there is no appeal, the two Governments intended that those powers should be exercised only within the rigorous limits fixed by them, and they have never dreamed of authorizing the commissioners to enlarge their sphere of action by leaving the interpretation of the clauses of the treaty to them.
>
> Now, during the negotiation of the convention of 1880, it was well understood that neither of the contracting parties would consent to any revision of decisions pronounced within its territory by competent authorities in any form whatever. In order to meet such a case Article II formally and explicitly provides that the Commission shall not decide any claim that either Government has already caused to be settled either diplomatically, *judicially, or otherwise by competent authorities*. According to our view the case of the Magdalena has been judicially settled, since it has been passed upon by two bodies invested with judicial powers. I am aware that different doctrines have been laid down with regard to the weight to be attached to the decisions of prize courts; it does not seem to me, however, that this is a proper time for the discussion of those doctrines, for even admitting, for the moment, that the case of the Magdalena is not to be considered as having been judicially decided, it cannot be denied that it comes under the head of those which have been otherwise decided by competent authorities.

On the 17th of December, 1881, Mr. Blaine wrote to Mr. Outrey, stating—

> That after such consideration as I have been able to give to the question, I have reached the conclusion that that claim, because of the antecedent proceedings by the competent authorities of France, of which it has been the subject, is not properly within the cognizance of the mixed commission established under the provisions of the convention of the 15th of January, 1880, between the two Republics.

And he further stated that the agent and counsel on the part of the United States would be instructed to withdraw the claim of Taylor, and that in taking this view of the question he (Mr. Blaine) was—

Influenced in no small measure by the earnest desire felt by this Government to give full effect to the spirit no less than to the letter of the second article of the convention, and by thus withholding from the cognizance of that international tribunal any claim which may have already been made the subject of inquiry and determination by the competent authorities of France, avoid any occasion for making the competency of such proceedings the subject of question or review. That the French Government, animated by a like disposition, will pursue a similar course with regard to any claim presented for the consideration of the Commission, on behalf of citizens of France against the United States, which shall be found to have already been inquired into, and decided either diplomatically, judicially, or otherwise by the competent authorities of the United States, I do not allow myself to doubt.

On the 21st December, 1881, Mr. Outrey wrote me as follows:

I need not add that on our part we shall strictly observe, the case arising, the legal interpretation given by mutual consent to Article II of the convention of January 15, 1880.

Pursuant to the agreement thus arrived at, several cases have been withdrawn. But while the case of Le More and Co. was some time since brought to the attention of Mr. Roustan, and while I understood that our views harmonized, and while several conventions have taken place with regard to it, it appears to be still pending before the Commission, and I am now informed that that body purposes to force it to trial, notwithstanding the negotiations which have taken place and the further negotiations which are now pending. The case is clearly one which has been disposed of by a competent tribunal. It has been decided in regular gradation by the inferior courts of the United States, and by its highest court of final resort. This is not denied, and while it has been contended in conversation that the Supreme Court had not jurisdiction of the case, a conclusive answer to this assertion is found in the fact that the very point was made before the court, and the court in terms and expressly decided that it had jurisdiction over the case. This decision cannot but be regarded as final; and as, to quote Mr. Outrey's words, "during the negotiation of the convention of 1880 it was well understood that neither of the contracting parties would consent to any revision of decisions pronounced within its territory by competent authorities, in any form whatever," and as the case of Le More has been judicially settled, since it has been passed upon by three bodies invested with judicial powers, I have to request that the agent on behalf of the Republic of France before the French-American Commission be instructed to withdraw this claim from the consideration of that body.

Be pleased to accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 114.

Mr. Roustan to Mr. Frelinghuysen.

[Translation.]

LEGATION OF FRANCE,
Washington, January 2, 1884. (Received January 3.)

MR. SECRETARY OF STATE: As you are aware, the President of the French Republic, by a decree bearing date of the 27th of November last, and issued at the suggestion of the minister of commerce, revoked the decree of February 18, 1881, which prohibited the importation of salt pork from the United States.

In adopting this measure the Government of the Republic was influ-

enced by various considerations, and especially wished to furnish evidence of its sincere desire to promote as far as possible the development of commercial relations between the two countries.

However, in compliance with a wish expressed by the Chamber of Deputies in consequence of an interpellation which took place during the session of December 22, the French Government has been obliged to suspend for the present the execution of the decree of November 27.

In informing me of this fact, the president of the council adds that a bill has been introduced in the Chamber which is designed to regulate the importation of salt pork from the United States, and that the Government will hasten the discussion of this bill as much as possible.

The meat in question will, as a temporary measure, be permitted to enter the ports of Havre, Bordeaux, and Marseilles until January 20, 1884, although previously to being sold it will be subjected to an examination.

I hasten, Mr. Secretary of State, to bring the foregoing information to your notice.

Accept, &c.,

TH. ROUSTAN.

No. 115.

Mr. Davis to Mr. Roustan.

DEPARTMENT OF STATE,
Washington, January 7, 1884.

SIR: Referring to the letter which the Secretary of State addressed to Mr. Denaut on the 27th December last, in reference to the case of G. A. Le More and Company, No. 211, before the French-American Claims Commission, I have the honor to request you to instruct the agent on the part of the Republic of France to delay action in the matter before the Commission for the present and until the two Governments shall have finally disposed of the question alluded to in that note.

Accept, &c.,

JOHN DAVIS,
Acting Secretary.

No. 116.

Mr. Rouston to Mr. Davis.

[Translation.]

LEGATION OF FRANCE,
Washington, January 7, 1884. (Received January 7.)

MY DEAR MR. DAVIS: I called at the State Department at one o'clock for the purpose of giving you some explanations with regard to the situation of the case of M. Le More, referring to your letter of to-day. I thought that you would have received a copy of the letter addressed by M. J. Ferry to Mr. Morton on the 27th of December last, but, as I was informed by Mr. Hunter, you have received only an extract from that letter. I therefore send you a copy of its full text, which I have received by telegraph. I will call to-morrow at eleven o'clock, in order to talk with you of this matter, unless you are otherwise engaged.

Truly yours,

TH. ROUSTAN.

M. Ferry to Mr. Morton.

[Translation.]

Copy of a letter addressed by M. Ferry, president of the council, minister of foreign affairs, to Mr. Morton, minister of the United States, under date of December 27, 1883.

You were pleased to communicate to me, on the 22d inst., a telegram from Mr. Frelinghuysen in relation to the claim brought against the United States by Mr. Le More, a French citizen, and laid before the mixed commission sitting at Washington. The honorable Secretary of State of the United States desired that the decision of this claim should be postponed, in order that the two Governments might thus be enabled to decide whether it was not proper for it to be withdrawn, according to Article II of the treaty of 1880.

With a view to complying with this desire, I at once telegraphed to our commissioner at Washington not to oppose the desired postponement. It appears, however, from Mr. Lefaivre's reply, that, by a unanimous decision, after a formal deliberation, the Commission ordered, on the 19th of December, that Mr. Le More's case should be submitted to it on the 28th instant. This decision, in which the American commissioner acquiesced, as did also the Brazilian commissioner, evidently changes the condition of the question; to the doubts which existed, and which should have inured to the benefit of the claimant, it adds a presumption, and, as it were, a kind of acquired right, of the benefit of which it does not seem possible to deprive him. It does not appear, moreover, by what right one of the two Governments could interfere in order to cause the postponement of a decision adopted by the commission, which alone has power to decide upon the order in which its work is to be performed. In this state of things, it has seemed proper to me to allow the proceedings to take their own course, the Commission being theproper judge of the question whether Mr. Le More's claim should be withdrawn for a reason based upon Article II of the treaty of 1880, which is the law by which it is governed. I will thank you to inform Mr. Frelinghuysen of the reasons which have prevented me from complying with his request.

No. 117.

Mr. Roustan to Mr. Frelinghuysen.

[Translation.]

LEGATION OF FRANCE,
Washington, January 11, 1884. (Received January 11.)

MR. SECRETARY OF STATE: After the receipt of the communications which you addressed to this legation on the 27th ultimo and the 7th instant, relative to the Le More case, I had a conversation on Tuesday last with the Assistant Secretary of State, to whom I communicated a letter written by the president of the council to Mr. Morton, on the 27th ultimo, in which the reasons were stated why M. Jules Ferry deemed it to be his duty to leave the question to be decided by the Claims Commission.

Mr. John Davis made several observations to me on this subject, especially with regard to the scope which M. Ferry seemed inclined to give to the decision of the Commission, bearing date of the 19th ultimo, which put the case on the docket for the 28th of that month, and he insisted that the French Government should consent to having this case postponed by the Commission, and that the negotiations should be resumed which took place between us last summer, and at the conclusion of which I addressed a report to my Government relative to the Le More claim.

I telegraphed a report of that conversation to Paris, and I now have the honor to communicate to you the reply which I have received on this subject.

The president of the council informs me that the observations presented by the United States Government, which are reproduced in my report of last year, have not dispelled the doubts which exist in the mind of the French Government as to whether Mr. Le More's claim should be considered as having been previously settled.

The president of the council, thinking that the claimant ought to have the benefit of the doubt, does not consider that it would be proper for him to deprive M. Le More of the last resort that remains to him. He thinks that under these circumstances, and in view of the difference of opinion on this subject between the two Governments, it is proper to leave it to the mixed commission to decide the question by examining thoroughly, according to Article II of the treaty of 1880, whether M. Le More's claim should be decided by it (the mixed commission).

I trust, Mr. Secretary of State, that this method of settlement, which leaves the principle of the matter intact, will secure the adhesion of the United States Government.

Be pleased to accept, &c.,

TH. ROUSTAN.

GERMANY.

No. 118.

Mr. Sargent to Mr. Frelinghuysen.

No. 231.] LEGATION OF THE UNITED STATES,
Berlin, January 19, 1884. (Received February 11.)

SIR: The spectre of communism ever rises in Europe, however wise and well directed the measures to keep it down. Its nihilistic forms in Russia startle the Government and community by crimes of peculiar atrocity. In Austria and France it is manifested by workingmen's plots and agitations; in Spain it calls itself republican and honeycombs the army. There is less manifestation of socialism in Germany, partly because the Government is peculiarly vigilant, and partly because the German character is more patient than that of most other peoples. But it must be admitted that the privations of the lower classes in some parts of the Empire are very great, and their lot comparatively hopeless. It is very hard for an artisan or laborer, unless gifted with peculiar genius, to rise above the station assigned by his birth, and the most gifted by nature has to struggle against obstacles almost insurmountable.

It is difficult to fix a blame for this condition of things; perhaps any blame would be unjust. The Empire is overpopulated; the soil is inferior in a large part; landed property is held tightly under entail, etc.; the public service is difficult to enter without advantages of birth and influence, and can only be entered in youth, and after a preparation only possible to leisure and comparatively easy circumstances; the condition of Europe necessitates a large army, with consequent large taxation. All these facts and others tend to keep poor the poor; and the wisest and most disinterested statemanship may be powerless to remedy them. In many of these conditions Germany is not worse off than some of its neighbors, while, in the peace and good order which reign in it, it has an advantage.

For a long time the imperial chancellor seems to have been impressed with the idea that it is possible to remedy some of the evils of poverty by legislation, and to remove discontent among the workers of the Empire by making them obvious participators in its material benefits. The humanity of this idea cannot be challenged. Perhaps the future will realize it in some form. The readjustment of the relations of labor and capital; the equalization of conditions in life; the tendency of modern civilizations to accumulate great wealth in the hands of the few; the growth of monopolies; the effects of education upon the masses, with the new wants thus created; the possibility of eliminating vice and improvidence, and the general effect upon the progress of society and upon individual exertion of measures that will tend to more equally distribute wealth and comfort; all these and kindred problems may soon be forced upon the minds of statesmen, not merely by the uncalculating violence of communist factions, which would erect guillotines and cast lots to part the garments of the *bourgeois;* but also by the great facts of uncomplaining and hopeless misery, which are made more intolerable by the progress of enlightenment. In the mediæval age the priest taught his ignorant hearer that God assigned to man his lot, some to honor and some to dishonor, and it was rebellion against Him to murmur. Different theories prevail now in the average mind, and misery is not relieved even by the consciousness of obedience to Divine will.

Perhaps the chancellor is in advance of his time in endeavoring to form a body of laws that shall relieve poverty of some of its evils. Perhaps he is wiser than those who advocate a *laisser aller* course. In my No. 141, of April 19, 1883, I gave a sketch of the chancellor's project for a workingman's accident insurance law, which subsequently failed in the Reichstag. One element of that bill that led to much opposition was the provision for part payment of indemnities by the state. It was insisted that the bill provided no adequate fund out of which such payments could be made. The new bill of the chancellor has been published, occupying a dozen closely printed columns in the official newspaper, and is a marvel of organization. Certainly no people other than the Germans, who are noted for organizing power, could put such a law into execution; and I should doubt if such wheels within wheels could work under any superintendence. The bill contemplates the organization of all the labor givers in the German Empire into insurance companies, according to the nature of their several trades or employments, with corporate rights. These organizations are to pay the whole of the indemnity on the lives and limbs of their workmen; in proportion to the wages earned by the latter and to the danger tariff. All the companies will be under the supervision of an "imperial assurance board," composed of several permanent members to be appointed by the Emperor, of four non-permanent ones to be appointed by the federal council, and as many of the same kind to be elected by the companies and the workingmen's committees. These are the leading ideas of the bill, which is marvelously constructed with its elaborate machinery. It is intended to realize in part the proposition of the venerable Emperor, who recommended, in his memorable special message to Parliament of November 17, 1881, that something be done to ameliorate the condition of the poor, and thus to strike at the roots of social disaffection.

The bill is now before the federal council, and will be laid before the Reichstag at the March session. It has more chance of passage than its predecessor. Its degree of success as a law, will be a curious study. The labor employers will be least enthusiastic over its provisions. Com-

plaint is made of the sharpness of competition against German fabrics. The effect of the bill in increasing the cost of production is to be observed. But the principal question really is, if such a partial measure will satisfy the socialists, who clamor against the wealthy classes, denounce property as robbery, and ask not for a pittance in case of accident or death, but the cutting off of the capitalists, great and small, and for a community of goods. These extremist views are fundamental with the socialist agitators and adherents, if they may be judged by their utterances. If such really be their ideas, it may be doubted if so small a sop will for a moment divert the Cerberus.

I have, &c.,

A. A. SARGENT.

No. 119.

Mr. Frelinghuysen to Mr. Sargent.

No. 198.] DEPARTMENT OF STATE,
Washington, March 6, 1884.

SIR: I inclose herewith, for your information, a copy of a letter to this Department from Mr. Samuel B. Hamburger, of New York City, in which he alleges that Mr. Oscar Stern, a naturalized American citizen of German birth, was called to Germany in June, 1882, to assist in selling his father's estate, and that the German military authorities now threaten to draft him into the army, notwithstanding the fact that he possesses a passport which was issued to him by this Department on the 18th of May, 1882.

In view of the statements contained in Mr. Hamburger's letter, I will thank you to make inquiries in regard to the case of Mr. Stern, and to take such action as you may deem proper for the protection of his rights as an American citizen.

Mr. Hamburger states that Mr. Stern will probably desire to remain in Germany beyond the period of two years, for the purpose of closing up his father's estate. Mr. Hamburger has been informed that Mr. Stern's right, under Article IV of the Bancroft treaty, to receive protection, thereafter, as an American citizen will depend upon his *bona fide* intention to retain American citizenship, and that this is a question which can only be settled by the facts of each individual case as it arises.

Should Mr. Stern, therefore, make application for a renewal of his passport at the expiration of his two years' residence in Germany, you will then determine, from all the circumstances of his case, whether he is entitled to have a new passport issued, and to further protection as an American citizen.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 198.]

Mr. Hamburger to Mr. Frelinghuysen.

291 BROADWAY, NEW YORK,
March 4, 1884. (Received March 5.)

DEAR SIR: Mr. Oscar Stern came to the city of New York some fourteen years ago, under the age of eighteen years, and in due course of time became a naturalized citizen of the United States. He continued to live in this city until some time in June,

1882, when he was called to his former home, Zweibrücken, Germany, to assist in winding up the estate of his deceased father. Your Department granted him a passport on the 18th day of May, 1882, which is numbered 2207. Mr. Stern has never given up his residence in this country, but, by reason of the circumstances above referred to, has been compelled to remain in Zweibrücken, inasmuch as the estate has not been fully wound up.

The German Government now propose to draft him in the regular army, claiming that more than two years having elapsed since the granting of the passport, he not having attained the age of thirty-one years, is subject to military duty for one year, to wit, until he arrives at thirty-one years of age, which will be March 18, 1885. I would respectfully ask you if the United States Government will not protect Mr. Stern from such interference on the part of the German Government. Mr. S. has sworn allegiance to the United States Government, and does not intend to become a resident of Germany; on the contrary, expects to permanently live in this country as soon as he can wind up his father's estate.

I would be obliged for information on this subject, so that I may communicate the same at an early day to Mr. Stern.

Very respectfully, &c.,

SAMUEL B. HAMBURGER.

No. 120.

Mr. Sargent to Mr. Frelinghuysen.

[Extract.]

No. 250.] LEGATION OF THE UNITED STATES,
Berlin, March 9, 1884. (Received March 24.)

SIR: I have the honor to inclose, with translation, a copy of the speech from the throne, delivered on the 6th instant, by Mr. Von Böttecher, minister of the interior, neither the Emperor nor the chancellor being present. The ceremony of opening the session of the Reichstag was, as usual, in the White Hall of the old castle. * * *

The session of the legislative body in its own hall commenced almost immediately after. The customary deference had been paid to the sovereign of repairing to his ancient palace to listen to his message, before any legislative act. The present is the last session of this Reichstag.

The message contains no surprises. After the usual words of welcome, it is stated that the most important task of the session will be found in the domain of social-political legislation. To that legislation I have referred somewhat at length in my No. 231, of January 18, and find the message follows the lines I then predicted. For an official statement of the motives and hopes of the Imperial Government from these unusual measures, the message deserves an attentive perusal. If I read its ultimate suggestions correctly, these involve eventual absorption of the whole business of insurance by the Government. The entire subject of this experimental legislation is so interesting that I shall watch it carefully, and report upon it from time to time.

The message speaks of copyrights, and art and pattern and model protecting treaties, with Belgium. * * *

The contentment of His Majesty with the relations between the Empire and foreign countries is stated, in view of the apprehensions and prophecies to the contrary after the "reconstruction of the German Empire called in question the peaceful character of its policy." A similar regard for peace is believed to animate the neighboring friendly powers. Particular reference is made to the Russian and Austrian courts, with whom "inherited friendship" has been strengthened, and the gratifying reception of the crown prince in Italy and Spain is pleasantly al-

luded to as evidence of the respect in which Germany is held abroad. The Emperor counts upon maintaining confidence in Germany abroad and peace at home.

The message is merely confirmatory of other evidences that the policy of Germany looks toward continental peace, and that the court of Russia is desirous of peace with Germany. A recent Russian mission to Berlin brought the congratulations of the Czar to the Emperor William on the seventieth anniversary of his gaining the Russian Cross of St. George, when he charged with a Russian regiment against the French at Bar-sur-Aube. The deputation was received with great distinction, and their visit could but be a gratification to the military hero whose early exploit it recalled. While the near approach of Russia and Germany during the past few months, and the appreciative words of the message, do not necessarily imply such a treaty as that of the latter with Austria, they show the renewal of friendly relations between the two courts, and are a public assertion of the same. Despite some rumors to the contrary, I have steadily been inclined to believe that the two Governments would avoid war if possible; and the antagonism between the two peoples, especially that of the Slavonic races against Germans, would be the impelling cause if war ever came. * * *

I have, &c.,

A. A. SARGENT.

No. 121.

Mr. Sargent to Mr. Frelinghuysen.

No. 255.] LEGATION OF THE UNITED STATES,
Berlin, March 13, 1884. (Received March 31.)

SIR: I have thought it best to call your attention to the following case where I have felt compelled to refuse to intervene with the German Government for a person who apparently considers himself entitled to my good offices, as an American citizen, though he does not bring proper proof that he is a citizen of the United States.

Mr. Friedrich Breidenstein, a native of Germany, emigrated to the United States, with his family, on the 12th August, 1854, took out his first, or intention, paper, on the 22d August, 1855, and died there the same year, before he had time to become an American citizen. His son, Henry, returned with his mother to Germany in August, 1857, remained there till the 30th of March, 1860, and then again went to America with his mother, and has apparently remained there ever since as a resident of Rockton, Wis. When he, the said Henry Breidenstein, came of age, he applied to his guardian in Germany, Johannes Wollenhaupt, for his share of his father's estate in Germany, and was informed in reply that the German Government had retained 50 thalers of the same as a fine for his not having performed military duty.

So matters appear to have been left for ten years, until last November, when Henry Breidenstein, through his uncle, Heinrich Heinrich, asked me to do what I could for him; to which I replied, on the 3d of December, suggesting to him to obtain certificates of his own or his father's citizenship at the time the fine was paid. In reply I received a letter from C. D. Heinrich, a cousin, the uncle having in the meantime died, inclosing a copy of the father's intention paper, and suggesting that as the son came to the United States as a minor, he became on that

account an American citizen at twenty-one years of age, which appears to be a not unusual impression among citizens of foreign birth. According to previous decisions in similar cases, the German Government declines to refund fines which were actually paid before the person fined became an American citizen, though judgments of fine and attachments on inheritances of absentees often expire by limitation where the persons do not return for some years nor the children ask to have their estates divided. It is not stated when the injunction was first laid on the Breidenstein estate, but if the young man had waited a few years longer than he did to claim his share of the estate, it is probable, from the analogy of other cases, that he would not have had to pay this fine at all. As it is, I am satisfied that, as his father died without becoming an American citizen, and the son does not appear to have availed himself of the benefit of section 2168 of the naturalization law previous to his coming of age and to the division of the estate, if he ever has done so, any intervention in his behalf would be quite fruitless, and have so written him.

The case is important as involving a principle adopted by the German Government and heretofore tacitly admitted by our own, and in this light I should be glad to know that my course is approved.

I have, &c.,

A. A. SARGENT.

No. 122.

Mr. Sargent to Mr. Frelinghuysen.

No. 263.] LEGATION OF THE UNITED STATES,
Berlin, March 24, 1884. (Received April 7.)

SIR: I find an article in the Berliner Tageblatt of the 23d instant, which I translate below, which shows that the German Government is at last on the track of the real danger in the consumption of pork, and earnestly recommends by circular to the people through cooking to "exclude all danger of deleterious results." The circular gives the statistics of sickness and death at Emersleben, and other places, and is very impressive in its statements. There can be no doubt that if the advice thus given is followed, all danger from the consumption of any pork will be removed.

The article says:

The reports upon the trichinosis epidemic which raged towards the close of last year in Emersleben and vicinity, within the Magdeburg district, having been received at the ministry of education, a circular note, according to the "Magdeburger Gazette," was last month addressed to all provincial administrations, as well as to the Berlin police presidency, in which, after giving statistical reports upon the epidemic, it renews the warning against the unwholesome and often fatal practice of eating raw pork. The meat of a single pig killed on the 12th September last at Emersleben caused the terrible epidemic there, as well as at Deesdorf and Nienhagen, and which produced the death of 66 persons out of 503 cases of disease. Of these, 270 cases, with 53 deaths, fell to Emersleben; 45, and 10 deaths, to Deesdorf; and 80, with 1 death, to Nienhagen. Besides, 4 cases and 2 deaths were reported from Grönigen, 3 cases in the convent at Grönigen, and 1 case at Schwanbeck. In this connection it is worthy of note that all persons who consumed 125 grams of raw pork invariably died, and that all the deceased had, as was discovered, eaten the pork raw—a practice largely indulged in in the province of Saxony. Whether and to what degree the meat inspectors in question are responsible for the fatal accident, has not yet been ascer-

tained. In view of these sad events, the ministry of education, &c., considered it of vital importance to repeatedly and earnestly warn the public against the consumption of raw pork. It therefore considers it appropriate to advise that in preparing pork for food, it be thoroughly boiled or roasted, and thereby exclude all danger of deleterious results. The authorities are to adopt the necessary measures to this end.

I have, &c.,

A. A. SARGENT.

No. 123.

Mr. Sargent to Mr. Frelinghuysen.

No. 264.] LEGATION OF THE UNITED STATES,
Berlin, March 29, 1884. (Received April 14.)

SIR: Referring to your No. 198, of March 6, 1884, received March 21, in regard to the case of Mr. Oscar Stern (or Stein), who is said to be in Germany to aid in the settlement of his father's estate, and whom the authorities threaten to draft in the army, I beg leave to remark that immediately upon the receipt of your said instruction I caused a letter to be written to said person, directed to Zweibrücken, inclosing to him one of our military case forms, requesting him to fill it up and return it to us, so far as the questions it contained were pertinent to his case, and that he transmit to me his citizen paper and any papers the German authorities might have served upon him, and sent to him also a copy of the treaty of 1868, directing his attention especially to article 4 and the power of the Bavarian authorities thereunder. To this letter, which was sent *poste restante*, no reply has come, and so much time has elapsed it has probably not reached the person intended. An answer to the question in the military case form is necessary to present a case satisfactorily to the foreign office, and it is also needful to send in the complainant's citizen papers. The slight particulars given in Mr. Hamburger's letter, a copy of which accompanies your instruction, are of no value for such a purpose, and do not even enable me to find the person most interested. Had Mr. Hamburger directed Mr. Stern to address the legation directly, I could have sifted the case at once and prepared to vindicate the rights of Mr. Stern.

But Mr. Hamburger errs in the construction he puts upon the treaty. The German authorities have not admitted the right of any citizen of the United States of German birth to remain in this country longer than two years. They are especially stringent in guarding against a more prolonged residence in the cases of persons who are, like Stern, still of military age; probably because they consider the example set by such persons to German youth to be deleterious. On application from this legation, permission has usually been granted for an extension of a few weeks, at most, for persons to leave the country who have staid the two years; but this has been asked and granted as a favor. The "*bona fide* intention" of the party involved to leave in the third or fourth or other year is not inquired into or admitted by the German Government to be of weight. It is the apparent aim, observable from the study of the whole body of cases, to limit residence of persons of military age to the treaty term.

With regard to persons who have passed the military age the practice is somewhat variable, though as a rule such persons are not molested, where they have an apparent ability to provide for their own support, and consequently there are thousands of naturalized Germans

in Germany, who have lived here for years, without question. But the police sometimes seem to question the right of this class to remain. During the past week Dr. G. W. Geist, a resident for twelve years past of Frankfort-on-the-Main, practicing dentistry there, a man who fought against the rebellion and is a naturalized American citizen, called upon me and told me he had been verbally notified by the local police to leave the country in two months or to become a German citizen. In answer to my questions he said he knew no cause for this notice; that he does not interfere in political matters, pays his taxes, is a quiet man, has no known enemies, does a good business as dentist, &c., and intends to go to America as soon as he has finished educating his children, who were born in the United States, as well as his wife, and none of them are yet of military age, the eldest lacking three years of it. I gave him a copy of the treaty and advised him to write to the chief of police of his city inquiring if he had authorized such notice, and, if so, for the reasons therefor, promising that I would be of any service to him that I could when I learned the authority and motives for such notice. Unfortunately I can do little in such a case, unless it be to get a little time to enable this man to save his property and credit from entire sacrifice.

This case illustrates the hardships of our naturalization treaty. It is, perhaps, the best that can be had, but the difference between the conduct of the United States towards foreign residents in its midst and the treatment of its citizens residing in Germany is in marked contrast. I am not able, for want of more particulars, to pronounce absolutely upon Dr. Geist's case; but, taking his statement to be absolutely correct, it is hard to see the propriety of the policy that excludes him so summarily from Germany. Where a person between twenty-four and thirty-four, able-bodied, &c., returns here after naturalization, and insists on remaining, public or military policy may see objections. But for a man of forty-seven years old, like Dr. Geist, these objections do not exist, unless there is some extrinsic matter in the case not revealed to me. I suppose Mr. Stern will present himself at the legation when his passport expires, and my successor will observe still farther your instructions.

I have, &c.,

A. A. SARGENT.

No. 124.

Mr. Frelinghuysen to Mr. Sargent.

No. 221.] DEPARTMENT OF STATE,
Washington, April 3, 1884.

SIR: Your dispatch No. 255, of the 13th ultimo, in relation to the application on behalf of Mr. Henry Breidenstein for your interference to recover for him a fine of 50 thalers imposed by the German Government for the non-performance of military service, and which fine was deducted from his portion of the inheritance from his father's estate, has been received.

It appears that the young man died in this country without having become a citizen of it, and that the applicant himself, although twenty-one years old and living in the United States at the time the fine in question was levied, was not a citizen of the United States.

Under these circumstances your course was discreet and correct, and was, moreover, in full accord with the settled practice of the Department. Your proceedings in the matter are approved.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 125.

Mr. Everett to Mr. Frelinghuysen.

No. 275.] LEGATION OF THE UNITED STATES,
Berlin, April 12, 1884. (Received April 26.)

SIR: I have the honor to report the refusal of a passport on the ground of illegal naturalization of the applicant. The facts are as follows:

On the 27th of February last the consul at Dresden forwarded the inclosed duplicate passport application of Sigismund Jacoby, wife, and five children, by which it appears that he was born in Prussia in 1844, emigrated in 1862, at the age of eighteen, to the United States, and after a residence there of only about four years was naturalized in the court of common pleas at New York, on the 11th October, 1866, as appears by his citizen paper. As the issue of a passport was refused by the minister without some satisfactory explanation of the above statement, Mr. Jacoby came to Berlin and verbally informed me that he was perfectly aware at the time he was naturalized that he had been only four years in the United States, but that he was a member of a political club, and at election time he was sworn in, with several others, in order to vote, and supposed that the court knew what the law was. He objected to having his papers taken from him, as he is about to return to South America, where he resides. I have refused to issue him a passport without intructions to that effect from the Department, to which the case is now respectfully referred.

I have, &c.,

A. SIDNEY EVERETT.

No. 126.

Mr. Frelinghuysen to Mr. Sargent.

No. 227.] DEPARTMENT OF STATE,
Washington, April 16, 1884.

SIR: Your No. 263, of the 24th ultimo, transmitting the text of a recent ministerial circular touching the danger of consuming raw pork as food, has been received.

I am disposed to regard this circular as evincing a willingness on the part of the German authorities to consider the pork question in a practical way, which cannot but promise good results.

There can be but little doubt of the fact, to which I called attention in my letter to the President of February 28, transmitting the report of the pork commission, that trichiniasis is distinctly traceable to the consumption of the flesh of *freshly killed* native hogs, and that the viru-

lence of infection is observed to diminish with the time elapsing between the killing of the animal and the consumption of its flesh, soon ceasing altogether, especially when the meat is even slightly salted.

The disposition, I am satisfied, exists on both sides to favor the widest, frankest, and most practical examination of the whole subject, in the interest of the people of the two countries.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 127.

Mr. Frelinghuysen to Mr. Everett.

No. 231.] DEPARTMENT OF STATE,
Washington, April 21, 1884.

SIR: With reference to Mr. Sargent's dispatch No. 264, of the 29th ultimo, concerning the case of Oscar Stern, I have to inform you that the Department has communicated the substance of Mr. Sargent's dispatch to Mr. Hamburger, of New York, who presented the matter as Mr. Stern's attorney.

The Department at the same time advised Mr. Hamburger, that his client, if warned by the German authorities to leave at the expiration of two years, ought not to take the risk of remaining, unless he can obtain permission to do so from the German Government, through your legation.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 128.

Mr. Frelinghuysen to Mr. Everett.

No. 246.] DEPARTMENT OF STATE,
Washington, May 23, 1884.

SIR: Your dispatch No. 275, of the 12th ultimo, reporting the grounds of your refusal to issue a passport to Mr. Sigismund Jacoby for himself, wife, and five children, has been received.

The papers accompanying your dispatch show very clearly that he was naturalized when only four years in the United States, and his own statement that he knew the fact, but, being a member of a political club, was naturalized for the purpose of voting, aggravates the fraud committed in concealing the most material fact in the case from the court.

Your course in regard to the subject is approved.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 129.

Mr. Frelinghuysen to Mr. Everett.

No. 278.] DEPARTMENT OF STATE,
Washington, August 6, 1884.

SIR: It appears by a cable dispatch published in a morning journal of New York on the 6th ultimo that recently the Bavarian authorities have forced two proselyting elders to surrender their mission and to depart from the country.

Inasmuch as the Mormons, exercising polygamy and making it a part of their religious creed, constantly increase in numbers by reason of accessions from Europe recruited by emissaries from Utah in foreign countries, any steps taken by the German authorities to repress the organization of these unlawful enterprises by agents who are thus operating beyond the reach of the law of the United States should be recognized as in the interest of peace and morality.

You are instructed, therefore, to make an official investigation in the premises, to ascertain whether any steps having such an object in view, have been taken by the German authorities.

In case you find that such steps have been taken, you are directed to promptly recognize the act in the sense indicated, and report the circumstances in full to this Department.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 130.

Mr. Davis to Mr. Everett.

No. 280.] DEPARTMENT OF STATE,
Washington, August 18, 1884.

SIR: With reference to your dispatch No 313, of the 28th ultimo, requesting information as to the regulations concerning pauper emigrants landing in this country, I have to inclose herewith a copy of a communication which I have received from the secretary of the board of commissioners of emigration at New York, in response to my inquiries on behalf of your legation. It is thought that the letter in question will furnish you with all the information you desire.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure in No. 280.]

Mr. Jackson to Mr. Davis.

CASTLE GARDEN, *New York, August* 15, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, and in reply to state that no formal regulations have been adopted by the board of commissioners of emigration in relation to the prevention of the landing of pauper emigrants, the action of the board being governed by the provisions of section 2 of the act of Congress to regulate immigration, of which a copy is inclosed.

Where it is apparent, by reason of insanity or other permanent disability, that an emigrant is unable to care for himself or herself, such persons are detained on board the vessel and are prohibited from landing. But in cases where, from attending circumstances, emigrants arriving are thought likely to become a public charge, they are transferred from the vessel to the landing depot and their cases are investigated by the commissioners, each case being determined on its own merits.

Where such emigrants have relatives or friends resident in this country, they are promptly communicated with, and if they can show that they are willing and able to provide for the emigrants, such are permitted to depart. If the contrary, or that it appears, in the judgment of the commissioners, that immigrants of this class are likely to become a charge on the community, they are either returned to the vessel or detained at the Emigrant Refuge until the sailing day of the vessel, when they are placed on board by the officers of the Commission, and are returned to the port from whence they came, at the expense of the steamship company that brought them. The courts of this State have recently decided that it is not necessary to make the examination of the emigrants on board the vessel, and that it may be made at the emigrant landing depot, the emigrants being considered still in the custody and under the jurisdiction of the commissioners, and their right to prevent such emigrants from landing, and to return them to the vessel, being unimpaired.

I am, sir, &c.,

H. J. JACKSON,
Secretary.

[Section 2.]

That the Secretary of the Treasury is hereby charged with the duty of executing the provisions of this act, and with supervision over the business of immigration to the United States, and for that purpose he shall have power to enter into contracts with such State commission, board, or officers as may be designated for that purpose by the governor of any State to take charge of the local affairs of immigration in the ports within said State, and to provide for the support and relief of such immigrants therein landing as may fall into distress or need public aid, under the rules and regulations to be prescribed by said secretary; and it shall be the duty of such State commission, board, or officers so designated to examine into the condition of passengers arriving at the ports within such State in any ship or vessel, and for that purpose all or any of such commissioners or officers, or such person or persons as they shall appoint, shall be authorized to go on board of and through any such ship or vessel; and if on such examination there shall be found among such passengers any convict, lunatic, idiot, or any person unable to take care of himself or herself without becoming a public charge, they shall report the same in writing to the collector of such port, and such persons shall not be permitted to land.

No. 131.

Mr. Davis to Mr. Kasson.

No. 5.] DEPARTMENT OF STATE,
Washington, August 22, 1884.

SIR: I inclose herewith, for your information, copies of letters to this Department from Mr. Charles Weniger, a naturalized American citizen residing in the city of New York, who alleges that the German authorities are about to seize his inheritance in the city of Königsee, to enforce the payment of a fine assessed against him for the non-performance of military service in Germany.

I will thank you to investigate the matter, and to take such action as the facts may be found to warrant.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure 1 in No. 5.]

Mr. Weniger to Mr. Frelinghuysen.

NEW YORK, N. Y., *July* 30, 1884.

YOUR HONOR: Hereby I submit to your kind consideration and interference a moral injustice done to me by the German Government.

According to my affidavit, which I inclose, I was born in the year 1861, in the city of Königsee, Duchy of Schwarzburg-Rudolstadt, Germany.

My father, Ferdinand Weniger, came to the United States in the year 1871, and my mother, Sophie Weniger, followed him, with me, in the following year, when I was only twelve years of age. My mother having died in the city of New York in the year 1877, my father returned to Germany in the same year, leaving me in this country, when I was sixteen years old. As my father neither would nor could take me with him back to Germany, I was thrown on my own resources and was obliged to make my own living as well as I could.

Now, when I have succeeded to make an honorable living, and at the same time have become a citizen of this country before the court of common pleas in the city of New York, the Government of Schwarzburg-Rudolstadt claims me for military duty, and threatens me with confiscating a little inheritance which my mother left me in Rudolstadt, which, together with my savings, would serve me to establish my own business in this country.

This seems to me a manifest injustice, as I did not come to this country on my own free will, being too young at that time to do so, and as I was abandoned here as a minor to the protection of this country.

It is true that my father never became a citizen of the United States, and that my mother, ignorant of the German laws, neglected to have my name erased from the military register of Rudolstadt, so that I am not protected by the Bancroft treaty; but it is nevertheless a moral injustice to me, which I am sure your honor can right if you will kindly submit my case to the German Government in Berlin.

Yours, truly,

Pr. CHARLES WENIGER,
529 *Robbins Avenue.*

CITY OF NEW YORK,
County of New York, ss:

I, Charles Weniger, of the city of New York, State of New York, do swear that I was born on the 21st of April in the year 1861, in Königsee, of the Duchy of Schwarzburg-Rudolstadt, Germany; that my father, Ferdinand Weniger, of said city, came to this country in the year 1871; that my mother, Sophie Weniger, followed him, with me, in the year 1872, when I was a little over eleven years of age; that my mother died in the city of New York, State of New York, on the 12th of April in the year 1877, and that my father returned to Germany in the same year, leaving me behind in the city of New York, when I was a little over sixteen years old; that I was thrown by this event on my own resources, and that I have become a citizen of this country before the court of common pleas of New York, State of New York.

CHARLES WENIGER.

Sworn to before me this 26th day of July, 1884.
[SEAL]

(235) P. V. STOCKY,
Notary Public, New York City.

STATE OF NEW YORK,
City and County of New York, ss:

I, Patrick Keenan, clerk of the city and county of New York, and also clerk of the supreme court for the said city and county, the same being a court of record, do hereby certify that P. V. Stocky, before whom the annexed deposition was taken, was, at the time of taking the same, a notary public of New York, dwelling in said city and county, duly appointed and sworn and authorized to administer oaths to be used in any court in said State, and for general purposes, and that his signature thereto is genuine, as I verily believe. In testimony whereof I have hereunto set my hand and affixed the seal of the said court and county the 29th day of July, 1884.

[SEAL.]

PATRICK KEENAN,
Clerk.

[Inclosure 2 in No. 5.]

Mr. Weniger to Mr. Frelinghuysen.

NEW YORK, ROBBINS AVENUE, 529, *August* 16, 1884.

SIR: In answer to your letter of the 4th of this month, I send you inclosed a certified copy of my naturalization certificate.

In regard to my inheritance, I am unable to tell you the amount, as it consists in a

share of some real estate which my mother owned at the time of her death in the city of Königsee, Schwarzburg-Rudolstadt, Germany.

My father, Ferdinand Weniger, of said city, who is executor of my mother's will, informed me that the Amtsblatt of Königsee, which is the official organ of the Government for the city of Königsee, called upon me by a legal notice to appear for military duty, in default of which my inheritance would be confiscated; that, furthermore, my father was called upon by the sheriff of said city to produce my person before court or to give information concerning my absence.

As for dates, I cannot give you any information. They seem to me immaterial, as my only aim is that you may kindly cause the German Government to erase my name from the military register, after which the confiscation of my inheritance would be consequently void.

Should you, however, judge proper, I shall write to Königsee for official documents concerning my case; but I fear the delay caused hereby would perhaps complicate the matter, which is still simple.

Yours, &c.,

CHARLES WENIGER.

UNITED STATES OF AMERICA, STATE OF NEW YORK,
City and County of New York, ss:

Be it remembered that on the 3d day of June, in the year of our Lord 1884, Charles Weniger appeared in court of common pleas for the city and county of New York (a court of record, having common-law jurisdiction, a clerk, and seal), and applied to the said court to be admitted to become a citizen of the United States of America, pursuant to the provisions of the several acts of the Congress of the United States of America for that purpose made and provided.

And the said applicant having produced to the said court such evidence, having made such declaration and renunciation, and having taken such oaths as are by the said acts required, thereupon it was ordered by the court that the said applicant be admitted, and he was accordingly admitted, to be a citizen of the United States of America.

In testimony whereof the seal of the said court is hereunto affixed, this 15th day of August, 1884, and in the one hundred and ninth year of the Independence of the United States.

[SEAL.] NATH'L JARVIS, JR.,
Clerk.

No. 132.

Mr. Kasson to Mr. Frelinghuysen.

No. 36.] LEGATION OF THE UNITED STATES,
Berlin, October 13, 1884. (Received October 27.)

SIR: Among the numerous and various questions of naturalized citizenship presented to this legation, none are so troublesome as those of the derived citizenship of minors under the Revised Statutes, section 2172. I have recently been obliged to decide two such cases, and now report them to the Department for its supervision.

(1) *Case of Ludwig Hausding.*—The father, William Hausding, being a subject of the King of Saxony, was in Michigan in July, 1861, where his son Ludwig was born. How long he had been there does not appear; but he returned to his native land with his family a few months later in the same year, and remained there, a Saxon subject, until 1868. In that year the father returned to the United States, where he became afterwards a naturalized citizen. The son, Ludwig, on the contrary, *has never returned to the United States.* Ludwig now requests a passport as an American citizen, for use in Saxony.

Refused, on the ground that he was born of Saxon subjects temporarily in the United States, and was never "dwelling in the United States" either at the time of or since his parent's naturalization, and was not, therefore, naturalized by force of statute. (See section 2172.)

Quære: Can one born a foreign subject, but within the United States,

make the option after his majority, and while still living abroad, to adopt the citizenship of his birthplace? It seems not, and that he must change his allegiance by emigration and legal process of naturalization.

(2) *Case of Johannes Weber.*—The father was a subject of Russia, living in the Crimea, where this son was born in August, 1861. Father and son emigrated to the United States in 1875, and the father was naturalized at Yankton, Dak., in May, 1881, the son also living in the United States at the time, and being then of the age of nineteen years. The father and whole family returned to the Crimea in 1883, leaving the United States in June of that year, when the son was a little less than twenty-two years of age, bearing a Department passport for all the family. The son declares his intention of returning to the United States as a citizen thereof, and was now on his way to America to obtain a passport as an American, when he learned it could be issued at this legation.

Granted, on the ground of derived naturalization, under section 2172 Revised Statutes, qualifying him as an American citizen, with continued option therefor after attaining his majority in America.

Quœre: Does the phrase—"if dwelling in the United States"—refer to the *date* of naturalization, or to the duration of residence within the United States, and excluding a foreign residence? In other words, which of these readings is correct:

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States, * * * being under the age of twenty-one years at the time of the naturalization of their parents, shall, if [at the time] dwelling in the United States [or while dwelling in the United States], be considered as citizens thereof.

The former construction would allow a young man to join his father in the United States a week before his naturalization, and return to his native land a week after, a full-fledged American citizen, while still in his minority, and without renunciation of old allegiance or swearing to the new.

I have, &c.,

JOHN A. KASSON.

No. 133.

Mr. Kasson to Mr. Frelinghuysen.

No. 41.] LEGATION OF THE UNITED STATES,
Berlin, October 16, 1884. (Received November 3.)

SIR: Referring to your No. 278, addressed to the chargé d'affaires at this post, I have to communicate the following proceedings as furnished to this legation by the United States vice-consul at Nuremberg:

I. Johann Georg Hafen, of Santa Clara (Utah), expelled as a Mormon emissary from the Kingdom of Bavaria in July, 1883. (Inclosures 1 and 2.)

II. James E. Jennings and William A. Smoot, jr., both of Salt Lake (Utah), expelled as Morman emissaries from the Kingdom of Bavaria in May, 1884. (Inclosures 3 and 4.)

III. Lyman, of Provo (Utah), recommended for expulsion from Bavaria as a Mormon emissary September, 1884. (Inclosure 5.)

Recognition of this action will be made according to the terms of your said instruction.

I have, &c.,

JOHN A. KASSON.

[Inclosure 1 to dispatch No. 41.]

Translation of a report from the royal government of Middle Franconia of the royal Bavarian department of the interior for church and school affairs, dated April 14, 1883.

AUSBACH, *April* 14, 1883.

The royal bezirks-court at Nuremberg, in its inclosed report of the 15th of last month, together with its "judicial act" and four accompaniments, recommends to the royal ministry of the interior to cause the expulsion of the American citizen and Mormon missionary Johann Georg Hafen, of Santa Clara (Utah, North America), from the Kingdom of Bavaria, under article 50, subdivision 2, of the law of $\frac{16 \text{ April, } 1868}{23 \text{ Feb., } 1872}$, concerning residence, marriage, and domicile, and furnishes the fullest and most satisfactory grounds for its recommendation.

We take the liberty of also reporting in this connection that the Mormon sect has already spread itself within the city limits and bezirks-court domains of Fürth and Erlangen, in consequence of which we have caused the district police authorities to proceed against this sect with uniform action.

We further report that the foreman Anton Ilg, heretofore mentioned as the head of the Mormon community, has withdrawn from the same—whether of his own free will or otherwise is not known.

We have, as appears from the inclosed judicial document of the bezirks-court, officially questioned Anton Ilg as to whether he still insists on an answer to the request heretofore mentioned, made on February 15–19, 1882, by him, in the name of his former associates in faith, for permission to hold common indoor divine services in Bavaria; he declared that for himself he withdrew that request.

FREIHERR VON HERMANN.

[Inclosure 2 to dispatch No. 41.]

Translation of a decree of the royal Bavarian department of the interior for church and school affairs of July 11, 1883 (*in answer to inclosure* 1).

MUNICH, *July* 11, 1883.

Royal Bavaria ministry of the interior, concerning the formation of a Mormon community at Nuremberg and vicinity.

With respect to the report of April 14 last made to the royal ministry of state of the interior for church and school affairs, and transmitted by them to the royal ministry of state of the interior for their consideration, we express ourselves as follows:

Johann Georg Hafen, born in 1838, and of Santa Clara, Utah, North America, made and, according to his own confession, makes it his business to labor for the development and extension of the views held by the Mormon sect. These views do not appear to harmonize with the existing state and social order, wherefore the activity in promoting the same of the said Hafen must, from consideration for the public welfare, be opposed and made impossible.

He is therefore, in accordance with article 50, subdivision 2, of the law of $\frac{16 \text{ April, } 1868}{23 \text{ Feb., } 1872}$ concerning residence, marriage, and domicile, expelled from the Kingdom of Bavaria.

The following is also decreed:

The inclosures of the first report herein named, as well as of the report made under date of July 7 of last year to the royal state ministry of the interior for church and school affairs, are to be herewith returned.

It is remarked in this connection that the royal state ministry of the interior for church and school matters does not propose to further occupy itself with the consideration of a request made by Anton Ilg, in the name of the "Community and Church of Jesus Christ of the Latter Day Saints," for recognition as a private church association, Ilg having, under date of the 11th of March of last year, formally declared that he withdrew this request. The request being subscribed by him alone, and no documentary evidence of his authorization by individual members of the community, therefore at present no formal representative of the request is in existence.

BARON VON FREILETSCH,
The Secretary-General.
VON SCHLERETH,
Ministerial councilor to the Royal Government of Middle Franconia.

[Inclosure 3 to dispatch No. 41.—Translation.]

The royal police at Munich to the royal state ministry of the interior, concerning the expulsion from the Kingdom of Bavaria, of the Mormon emissaries William Smoot and James Jennings, of Salt Lake, Utah.

MUNICH, *May* 14, 1884.

The sect of the Mormons, of Salt Lake, in the North American Territory of Utah, called "Church of Jesus Christ, the Latter Day Saints," has maintained for about a year past a so-called community in Munich and its vicinity.

This community, according to the statistical report of the Swiss, Italian, and German mission for the year 1883, in No. 3 of the Mormon organ the Star, appearing at Berne, and according to a list submitted to the elder of the community here, George Shambeck, painter's assistant, numbers thirty-four members, under the government of a community elder, an elder, and two teachers.

This association is submitted to the South German conference, under conference-president, Bishop Freidrich W. Schönfeld, and the two traveling elders, William C. A. Smoot, jr., and James E. Jennings, while this South German conference is under control of the Swiss, Italian, and German mission, having its seat at Berne.

The said Bishop Schönfeld, according to a notice in 22 of the "Stern" (Star) of November 15, 1883, has taken the place of the Mormon emissary Johann Georg Hafen, of Santa Clara, Utah, expelled from Bavaria by ministerial decree of July 11, 1883, No. 7743, under article 50, subdivision 2, of the residence law of $\frac{\text{April 16, 1868}}{\text{Feb. 23, 1872}}$; and according to a publication on page 37 of No. 3 of the Star of February 1 of last year, James E. Jennings and William C. A. Smoot jr., have been assigned to the said bishop as traveling elders.

James E. Jennings, born June 16, 1864, a student, and William C. A. Smoot, jr., born March 8, 1853, are both from Salt Lake, Utah.

With the assumption of the leadership of the mission by Bishop Schönfeld the Mormon community at Munich has received new life and received ten new members. The before-mentioned traveling elders Smoot and Jennings are at present engaged in a mission voyage in Bavaria; both, according to a communication of the 30th instant from the bezirks-court at Nuremberg, have lately spent several months at Nuremberg, but are now at Munich. According to a notice of January 15 of last year in No. 2 of the Mormon organ, the "Star," it was the purpose of the said Jennings to organize at Nuremberg a Sunday School for thirty Mormon children for over eight years, the known age at which the acceptance of Mormonism is permissible.

Jennings and Smoot now purpose, according to their own confession, to promote the views of the Mormon sect in Munich also; that is to say, to work for the further development and extension of the ends aimed at by the Mormons, and for this object to even solicit public subscription.

As appears from the notices often contained in the "Star," the Mormon agitation referred to also aims at winning emigrants to Utah, since, according to the above-mentioned notices, numerous subjects of the Empire and of Bavaria have, under the management and doubtless with the pecuniary assistance of the Mormon emissaries, emigrated to Salt Lake, sailing for the purpose from non-German ports.

The archiepiscopal office of this city has already repeatedly called attention to the serious nature of the extension of the Mormon sect here.

Owing to the presence of the Mormon emissaries and to their agitation, generally carried on very secretly, attempts will, it is supposed, be made to win more proselytes, especially among school children, for their sect.

The periodic return of the two officially appointed emissaries to Bavaria is to be feared, and the continuance of their proselyte-making, in spite of the surveillance established, and of the issue of the decree prohibiting the holding by them of common religious exercises.

The endeavors of the Mormon sect not being compatible with the existing state and social order, and the activity of the two before-named emissaries in promoting the same appearing to be also objectionable in view of the provisions of section 144 of the imperial penal code, I consider that the removal of those persons is urgently demanded. I permit myself to submit, in the highest quarter, the respectful motion that William C. A. Smoot, jr., and James C. Jennings be expelled from Bavarian territory, under article 50, subdivision 2 of the law of $\frac{\text{16 April, 1868}}{\text{23 Feb., 1872}}$, concerning residence, marriage and domicile, in the interests of the public welfare.

I transmit herewith the police protocol concerning the Mormon sect in Munich, together with the several numbers of the "Star" for 1883 and 1884.

Yours, &c.,

BARON VON PECHMANN.

[Inclosure 4 to dispatch No. 41.—Translation.]

(K. B. St. M. of the interior concerning the expulsion of the Mormon emissaries William C. A. Smoot and James C. Jennings, of Salt Lake, Utah, from the Kingdom of Bavaria, under cover of the royal state ministry of the interior for churches and school affairs, and to all royal governmental chambers of the interior.)

The royal Bavarian department, ministry of the interior, to the royal police direction, Munich.

MUNICH, *May* 24, 1884.

The following persons, (*a*) William C. A. Smoot, jr., born March 8, 1853, (*b*) James C. Jennings, born June 16, 1864, both of Salt Lake, in the American Territory of Utah, are upon the immediate report made to the royal state ministry of the interior under date of the 14th instant, and in accordance with article 50, subdivision 2, of the law of 16 April, 1868 / 23 Feb., 1872, concerning residence, marriage, and domicile, are hereby expelled from the Kingdom of Bavaria, they having, according to their own confession, been sojourning in the Kingdom for the purpose of agitating for the extension of the Mormon sect therein, the views of which sect are in conflict with the existing state and social order, and seem to call for the expulsion of these persons in the interest of the public welfare.

The inclosures of the report are hereby returned.

BARON VON FREILITZSCH.

[Inclosure 5 to dispatch No. 41.—Translation.]

The magistrate of Nuremberg to Mr. Dunkelsbühler.

NUREMBERG, *September* 20, 1884.

Referring to your esteemed letter of the 6th, and to our reply thereto of the 9th instant (being a letter announcing the expulsion of Smoot and Jennings), in reply thereto we have the honor to further communicate that there is at present sojourning in this city another Mormon emissary, named Lyman, of the city of Provo, Utah, and that in his possession there has been found and seized much material concerning the Mormons of this place, and, in particular, a baptismal register kept down to the month of August last. We have raised the question of Lyman's expulsion, and shall not fail to make further communication as to the result of the matter.

V. HALBER.
SCHRINDEL.

No. 134.

Mr. Kasson to Mr. Frelinghuysen.

No. 53.] LEGATION OF THE UNITED STATES,
Berlin, October 27, 1884. (Received November 11.)

SIR: Referring to your instruction No. 278 and to my No. 41, I beg herewith to inclose to you a copy of my note to the foreign office requesting its mediation to convey the thanks of my Government to the authorities for their action against the recruiting going on in Bavaria of Mormon polygamists for transport to the United States.

As any action of expulsion of Americans claiming converts in the name of religion passes over dangerous roads, I beg your attention to the grounds upon which I placed your approval of the proceedings in Bavaria.

I have, &c.,

JOHN A. KASSON.

[Inclosure in No. 53.—Translation.]

Mr. Kasson to Count Hatzfeldt.

LEGATION OF THE UNITED STATES,
Berlin, October 24, 1884.

The undersigned, envoy, &c., has been advised, through the American consuls at Munich and Nuremberg, of certain proceedings taken by the royal police boards of those cities, and the chief magistrate of the latter city, and by the royal Bavarian government of Mittelfranken and the royal Bavarian state ministry of the interior for church and school affairs for putting an end to the efforts made by certain Mormon missionaries, called Hafen, Jennings, Smoot, and Lyman, to persuade men and women in that province to emigrate to the region of Utah, in order to join there the so-called Church of the Latter-Day Saints. The doctrine of polygamy there inculcated and practiced is in direct violation of the laws of the United States, and that unlawful system is recruited chiefly by inducing foreigners to join them in their criminal habits.

In view of this fact the undersigned is instructed to request the mediation of his excellency Count Hatzfeldt, imperial secretary, &c., to convey the thanks of the Government at Washington to the authorities named for their efforts to stop this unlawful and injurious recruiting for purposes which violate alike the usages of Christian civilization and the provisions of American law.

The undersigned assures, &c.,

JOHN A. KASSON.

No. 135.

Mr. Kasson to Mr. Frelinghuysen.

No. 61.] LEGATION OF THE UNITED STATES,
Berlin, November 3, 1884. (Received November 17.)

SIR: Accompanying this dispatch I transmit a report (prepared by First Secretary Coleman) of the military cases disposed of since the last previous report from this legation. The inclosure embraces Nos. 102, 103, 104, 106, 108, 109, 110, 111, 112, 113, 114. One old case, that of Louis Lang (No. 107), remains without notice of final decision from foreign office, although the complainant long since returned to the United States, the execution of the judgment being suspended.

There are five more recent cases (Nos. 115, 116, 117, 118, 119) now pending, four of which have arisen since my arrival in September, and all of which received the immediate attention of this legation. Two of these cases are complaints against expulsion from the Empire of American citizens.

There are numerous cases, outside of those reported, of which this legation has been able to obtain satisfactory settlement by its correspondence with the complainants, and through them with the local authorities.

I have, &c.,

JOHN A. KASSON.

[Inclosure in No. 61.]

Annual report of military cases.

LEGATION OF THE UNITED STATES,
Berlin, November 3, 1884.

(102) *Max Winkelhausen.*—Born at Danzig, Prussia, March 14, 1856; emigrated May 7, 1876, when twenty years of age; naturalized August 28, 1882.

After further correspondence, on April 21, 1883, the facts in detail were communicated to this legation, and on the same day the legation intervened at the foreign office, submitting the facts in the case, from which it appears that Winkelhausen had returned in January, 1882, on a visit to his native place, where he was arrested on

the 19th of the following month, for alleged evasion of military duty, and not set at liberty until he had paid a fine of 150 marks, which he paid under protest, and to avoid being imprisoned for the period of four weeks. This action by the authorities had been taken notwithstanding the fact that Winkelhausen's certificate of naturalization had been deposited with the local police authorities. The foreign office was requested to cause an investigation to be made, and the amount of the fine to be returned if the essential facts of the case were found to be as stated.

Winkelhausen's certificate of naturalization and his receipt for the payment of the fine were inclosed with the note of intervention. On the 25th of April the foreign office acknowledged the receipt of this communication, and stated that an investigation had been ordered. On the 8th of May following, Winkelhausen informed the legation that he desired to have his certificate of naturalization back, as he must speedily return to the United States, and that he had empowered his brother, at Danzig, to receive his fine when it should be returned. On October 31 following, the foreign office informed the legation that the fine had been remitted and the return of the amount paid ordered. The foreign office at the same time returned Winkelhausen's papers, which were on the same day sent to his brother, at Danzig, with notice of the decision.

(103) *Marcus Broom.*—Born at Neustadt-on-the-Warthe, in Germany, November 17, 1854; emigrated October 24, 1870, at the age of sixteen, to the United States; naturalized October 9, 1880.

After some correspondence, the facts in detail respecting his case were communicated to the legation on May 18, 1883, and on that day the legation submitted to the foreign office his complaint that the local authorities at Neustadt, to which place he had returned April 20, 1882, were seeking to enforce the payment of a fine of 200 marks by collection from the firm of Gebrueder Brumm, at that place, of which Marcus Broom was a member, the fine having been imposed for alleged evasion of military duty in Germany by the land court at Ostrowo. The foreign office was requested to cause an investigation to be made and the fine to be remitted, the facts proving to be as stated. Broom was on the same day informed that the legation had intervened in his behalf.

After some further correspondence, the legation, on the 29th of November following, notified Broom of the favorable conclusion of the investigation in his case, the foreign office having on that day informed the legation that his fine, together with the costs, had been remitted.

The circumstance of his being engaged in business in Germany, and of his having changed his name from "Brumm" to "Broom" in the United States, before his return to his native place, probably contributed to the exceptionally long time consumed in the settlement of his case.

(104) *Henry Bendixen.*—Born at Neisgau, district of Flensburg, Germany, September 29, 1854; emigrated, at the age of nineteen, in July, 1873, to the United States; naturalized November, 1882.

After some correspondence, the facts in detail concerning his case were communicated to the legation on June 23, 1883. The legation on the same day submitted to the foreign office his complaint of the treatment he had received at the hands of the local authorities, it appearing that he had returned to Germany on May 5, 1883, to make a brief visit to his relations, intending to return to the United States in the month of August following; that upon a summons from the *hardesvogt*, received very shortly after his arrival, he delivered up his certificate of naturalization, under an assurance that it should soon be returned; that it was, however, still retained by the local authorities, although its return had been repeatedly requested. He had been informed that he must pay a fine of 150 marks, with 28 marks costs, for evasion of military duty in Germany, or suffer imprisonment, which he paid to avoid the penalty.

The legation expressed the hope that the foreign office would, if the facts were, upon investigation, found to be true, cause all proceeding against Bendixen to be discontinued, and the fine and his certificate of naturalization to be returned, adding that it had not been able to verify his statement as to his naturalization, owing to the circumstances that his proof of the fact was in the hands of the local authorities. The legation informed Bendixen on the same day of its intervention on his behalf. A few days later the legation transmitted to the foreign office Bendixen's certificate of naturalization, which had in the mean time been received from him, the authorities having given it him back.

After some correspondence with Bendixen relating to his desire to be furnished with some paper to be used in lieu of his certificate of naturalization in facilitating his departure from Germany for the United States, which the legation gave him, and relating also to his wish to have his case speedily settled, the legation, on December 20 following, again called the attention of the foreign office to the same, notifying Bendixen on the same day that it had done so. This communication the foreign office acknowledged on the 29th of that month, and on January 26 following informed the legation that the fine and the costs had been remitted and the return of the same ordered. Bendixen was at once informed of these facts, and on the 29th of Febru-

ary informed the legation, in a letter addressed to it from the United States, that he had received back his fine and papers.

(105) Already reported. (See Carl W. Geiler's case, reported by Minister Sargent with his dispatch No. 203, of October 20, 1883.)

(106) *George E. de la Roi.*—Born at Berlin, June 25, 1856; emigrated, at the age of sixteen, in October, 1872, to the United States; naturalized October 14, 1878.

He called at the legation on July 19, 1883, and stated his case fully in person. The legation submitted it to the foreign office on the same day, as follows: He had returned to Berlin in May, 1881, on a visit intended to last two months. While he was in the United States, viz, on May 1, 1880, the land court at Berlin had entered a fine, including costs, of 180 marks, for evasion of military duty in Germany, with the alternative of one month's imprisonment. He had now been served with the process of said court in execution of said judgment, and had been informed that he must forthwith pay said fine or suffer such imprisonment, although he had exhibited to the court his certificate of naturalization. The legation inclosed to the foreign office Mr. de la Roi's certificate of naturalization and the decree of the court, requesting that if upon investigation the facts stated were found correct he should be relieved from the operation of the said judgment.

On July 23 the foreign office acknowledged the receipt of the legation's note of intervention, and on October 31 following informed the legation that the fine and costs had been remitted, and returned de la Roi's papers, which were transmitted to him by the legation, with the intelligence of the decision in his case, on the same day.

(107) *Louis Lang.*—Unfinished.

(108) *Klaus H. Friedrichsen.*—Born ——— ——, 1857, at Meggersdorf, Schleswig; emigrated February 20, 1878, to the United States; naturalized March 28, 1883.

After some correspondence with Friedrichsen's father, the legation was furnished with the detailed facts in the case on October 22, 1883, and on the same day submitted the following statements to the foreign office:

Having returned to his native place on a visit to his parents in May, 1883, he was, on the 16th of July following, although he exhibited his certificate of naturalization, forced by the police authorities to pay a fine of 150 marks, for alleged evasion of military duty in Germany.

On the 15th of August following Friedrichsen returned to the United States, and now requested that the fine he had paid should be returned to his father. Friedrichsen's certificate of naturalization was inclosed, and the foreign office requested to cause the fine to be remitted and to be returned to his father, who was at once informed that the legation had intervened in behalf of his son.

On the 27th of October the foreign office acknowledged the receipt of the legation's communication, and on July 18 following informed it that the fine had been remitted and repayment ordered, returning at the same time Friedrichsen's certificate of naturalization, which was the same day transmitted to his father, with notice of the decision.

(109) *Peter B. Brodersen.*—Born at Klintum, island of Föhr, Germany, September 13, 1855; emigrated March 28, 1873; naturalized June 18, 1880.

After some previous correspondence with Brodersen, the legation was, on December 4, 1884, furnished by him with the full facts in his case, which were presented to the foreign office on the same day, as follows:

Brodersen returned to his native land on a visit in August, 1883, and on the 16th of November following was compelled by the local authorities to pay a fine amounting, with costs, to 207 marks and 20 pfennigs. Brodersen's certificate of naturalization and the receipt for the payment of the fine were inclosed to the foreign office, with request that the fine be repaid to Brodersen, who purposed returning to the United States in the month of April following.

It appeared further that Brodersen had, upon his arrival at his native place, deposited his certificate of naturalization with the local authorities, with the request that he be permitted to sojourn in Germany for some months, in reply to which request they informed him that two years' residence would be allowed him, provided he did not incite others to emigrate. The authorities had, however, after he had sojourned at Klintum for two months, compelled him to pay the fine referred to, imposed for evasion of military duty, under penalty of four weeks' imprisonment.

Brodersen was immediately informed of the legation's intervention, and on the 17th of December the foreign office acknowledged the receipt of its communication.

Thereafter some correspondence occurred between Brodersen and the legation relating to his desire to be furnished with a certificate in lieu of his certificate of naturalization, still in the hands of the foreign office, to facilitate his early departure from Germany to the United States, which was furnished him. On the 18th of July following the foreign office informed the legation that Brodersen's fine had been remitted, with the costs, and returned his papers, which were transmitted to Brodersen, together with notice of the decision by the legation, on the same day.

(110) *Gustav Held.*—Born at Frankfort-on-the-Oder, Germany, June 29, 1851; emigrated to the United States, at the age of twenty-three, in March, 1874; naturalized February 17, 1883.

The legation submitted Held's case to the foreign office on December 13, 1883, he having on that day called in person and stated his case. His complaint submitted to the foreign office was as follows: After serving two years in the German army he received an honorable discharge and emigrated to the United States. He returned on July 30, 1883, on a visit to his native country, and on the 13th of December following received a summons from the Amts-court at Berlin, to which city he had come with the purpose of residing there for two years, to pay a fine of 30 marks, the demand for which had been forwarded for collection by the Amts-court at his native place, Frankfort-on-the-Oder.

The legation inclosed Held's certificate of naturalization, requesting that the fine paid by him, under threat of imprisonment, might be repaid if the facts stated were found upon investigation to be correct. The foreign office acknowledged the receipt of this communication on the 22d of December, and on the 26th of September following informed the legation that the fine had been remitted, and returned Held's certificate of naturalization, which was on the same day transmitted to him, with intelligence of the decision reached.

(111) *Adolph Gerson.*—Born at Inowraclow, Prussia, December, 29, 1855; emigrated to the United States, at the age of eighteen, in September, 1873; naturalized May 26, 1880.

After a lengthy correspondence, Gerson at last furnished the legation with the needed facts in his case on April 12, 1884, and on the same day the legation presented his complaint to the foreign office, as follows: Having returned to Germany on a visit May 26, 1883, Gerson was, in June of that year, compelled by the authorities of Inowraclow to pay a fine of 200 marks, for non-performance of military duty. The legation added the usual request for an investigation of the case and the remission of the fine, and inclosed Gerson's certificate of naturalization. On the 21st of April the foreign office acknowledged the receipt of the legation's communication. After some intermediate correspondence between the legation and Gerson touching the progress made in the case, the foreign office informed the legation that his fine and costs had been remitted, and returned his certificate of naturalization, which the legation transmitted to Gerson on the same day, with notice of the result reached in his case.

(112) *John Kubis.*—Born at Neuteich, Prussia, February 28, 1851; emigrated, at the age of twenty-five, to the United States, in April, 1876; naturalized December 27, 1881.

After some correspondence, Kubis furnished the legation with the details of his case on the 21st day of April, 1884, and on the same day the legation submitted to the foreign office his complaint, which was as follows: Kubis returned to Germany on a visit on the 26th of March, 1884, and while staying with his brother at Dratzig, Bromberg, was, on the 3d day of April following, forced by the local authorities to pay a fine of 50 marks and 25 pfennigs, for alleged evasion of military duty in Germany, under a judgement by the royal schöffen court of Filchoe.

The legation inclosed the receipt for the payment of the fine, and Kubis's certificate of naturalization, with a request that the case be investigated and the fine returned if the essential facts were found to be correctly stated.

On April 25 this communication was acknowledged by the foreign office.

After this ensued some correspondence between the legation and Kubis concerning a paper which he needed in lieu of his certificate of naturalization, still in the hands of the foreign office, to enable him to embark from a German port for the United States, which paper the legation furnished him.

On August 16 following the foreign office informed the legation that Kubis's fine had been remitted and its repayment ordered, returning at the same time his certificate of naturalization, which was on the same day forwarded to him by the legation, with notice of the remission and repayment of his fine.

(113) *Casper Nagel,*—Born at Nierentrop, Prussia, August 27, 1854; emigrated, at the age of twenty, to the United States, August 20, 1874; naturalized April 30, 1883.

After much correspondence between Nagel and the legation, and with some hesitation on its part, owing to the fact that he appeared to have deserted from the German army before emigration, although he denied having done so, the legation having been furnished with the needed details in his case, submitted his complaint to the foreign office on May 5, 1884, as follows:

Having returned to Germany on June 9, 1883, Nagel was informed that an attachment of 600 marks, for evasion of military duty, had been laid upon his property. Under date of May 3, 1884, he wrote to the legation that he had, on March 18 last, been arrested at his home in Nierentrop and taken to Frankfort-on-the-Main, where he was detained at the garrison hospital. Nagel's certificate of naturalization was in-

closed, with the request that the case might be immediately investigated, as he desired to return to America at once.

On May 10 this communication was acknowledged, and on the 16th of July following the foreign office informed the legation that Nagel had, on attaining the proper age, been duly enrolled as a recruit in the infantry of the guard, and granted a leave of absence before being assigned to a regiment, during which absence he emigrated, and was in consequence considered a deserter, and sentenced, *in contumaciam*, to a fine of 600 marks. This provisional sentence was cancelled on his return, and he was sentenced, as a deserter, to seven months' imprisonment. As his bodily ailments made him at present unfit for military duty, he had been taken, upon his arrest, to the hospital at Frankfort-on-the-Main.

The legation, under date of July 17, 1884 (dispatch 307), reported the case fully to the Department of State, and also communicated the decision to Nagel, returning to him at the same time his certificate of naturalization.

(114) *Charles Reupert.*—Born at Gelsenkirchen, Prussia, September 12, 1861; emigrated at the age of seventeen years to the United States; naturalized June 30, 1884.

The legation having on the 30th of July, 1884, been placed by the American consulate at Barmen in possession of the necessary details in Reupert's case, intervened for him at the foreign office on the same day, submitting his complaints, as follows:

Having returned in the early part of July, 1884, to Germany to visit his parents, residing at Brau Bauerschaft, in Westphalia, Reupert was, on the 23d of that month, arrested by the military authorities at Wesel and enrolled for three years' service in the Fifty-sixth Infantry Regiment. The foreign office was requested, in view of the circumstances, to cause Reupert to be released from military service pending the investigation of the case, and to grant him a full discharge from all military obligations or penalties if the facts should be found to be as stated, and inclosed his certificate of naturalization. This communication was acknowledged on the 5th of August following.

After some correspondence between Reupert and the legation as to the progress made in his case, the foreign office, on the 9th of October following, returned Reupert's certificate of naturalization and informed the legation that he had been discharged from the army, adding that he had made no claim whatever of American citizenship when arrested for enrollment in the army. Reupert and the consulate at Barmen were at once informed of this result, and Reupert's certificate of naturalization was returned to him.

No. 136.

Mr. Kasson to Mr. Frelinghuysen.

No. 74.] LEGATION OF THE UNITED STATES,
Berlin, November 17, 1884. (Received December 1.)

SIR: Among the many legal questions arising under our naturalization laws and treaty upon which I am required to give opinions at this legation there is one case that of Augustus Reichard, which had previously been submitted to the Department of State. Its reply (March 19, 1884), as he claimed, still left him in doubt touching his rights, and now he appeals to this legation.

After an examination of the text of the German law of naturalization, I sent him a reply as full and explicit as possible. I should be glad to know that the opinion of his rights and liabilities, and those of his family, under the treaty of 1868, as expressed in my reply to his letter, is concurred in by the Department.

Copies of his letter and of my answer are herewith inclosed.

I have, &c.,
JOHN A. KASSON.

[Inclosure 1 in No. 74.]

Mr. Reichard to Mr. Kasson.

DRESDEN, *November* 10, 1884.

SIR: As a citizen of the United States, I take the liberty to transmit under cover a letter to the ministry of foreign affairs of the Kingdom of Prussia, Berlin, and respectfully to request that the same be forwarded through your kind offices, as in this way said communication will naturally receive a more attentive consideration.

The object of my addressing the Prussian ministry is to ascertain whether the authorities here might possibly look upon my prolonged stay in Germany, on account of ill health, as being in conflict with the Bancroft treaty of 22d February, 1868, so far as my claims to the preservation of my prerogatives as an American citizen are concerned. In said letter I state that I was born in 1820, in the then Kingdom of Hanover, now a Prussian province; that I fulfilled my military obligations in 1840, emigrated to New Orleans in 1844, made my declaration to become an American citizen on 21th January, 1850, and received the certificate of my American citizenship on 4th November, 1853, which certificate is now in my possession. I further state that in 1881 my health became so deplorable that my physicians declared that the only means of saving my life were a radical change of climate, free from the excessive heat of American summers, and a prolonged use of the mineral waters of Germany. Consequently I settled here in Dresden in the summer of 1881; returned to New Orleans last winter for six months, partly to attend to my business there, partly to ascertain whether my somewhat improved health would withstand the climate. This, as soon as the heat recommenced, was by no means the case, and my physicians declared most emphatically that I must stay away for several years more. In obtaining my new passport at Washington my attention for the first time was called to the details of the Bancroft treaty, by our Louisiana Senators, Hon. B. F. Jonas and General Randall Lee Gibson, who advised me to be very careful not to omit anything which might be necessary to avoid being mixed up with the stipulations of Article IV of said treaty. Under these circumstances I thought it advisable to address the Hon. Frederick T. Frelinghuysen and to request to be enlightened on the following three points, viz:

(1) On my return to Germany I intend to place on record with the United States legation at Berlin my declaration that although the state of my health may necessitate a stay in Germany for more than two years, it is my intention to preserve for myself and children all the prerogatives of citizens of the United States, to which country I shall return as soon as circumstances may permit. Will such proceedings prevent the German authorities from calling in question my rights as a citizen of the United States, and those of my children?

(2) Suppose the above declaration should not have the desired effect as far as I am personally concerned, could this possibly affect the status of my children (now all minors) as citizens of the United States, where they were all born, the father being a naturalized citizen, the mother a native American; in other words, would the altered state of citizenship of the father forcibly bring about a change of citizenship of his minor children and his native American wife?

(3) If none of the above points could be decided in a positive manner, would my return to this country (United States) every two years, for a limited period, remove all doubts and difficulties?

In reply I received a letter from the Hon. Frederick T. Frelinghuysen, dated 19th March, 1884, which I beg to inclose for perusal; it leaves my position still clouded with doubt. Perhaps the honorable Secretary of State might have been more positive in his reply if I had stated to him the positive fact that, with the exception of my villa here, which I bought at a very low price from a returning American, my whole fortune is invested in real estate in Louisiana, which I intend to retain intact, and that, besides, I still own my dwelling-house in New Orleans, with the intention of reoccupying it with my family on our return. I really believe no stronger proof could be given of my intention to return to the United States, and as a matter of course to retain my American citizenship of nearly one-third of a century's standing.

On my return here I had several conversations on the subject with the United States consul and vice-consul, who are both of the opinion that, inasmuch as I had fulfilled my military obligation before emigrating, having been for more than thirty-one years an American citizen, my wife and children being native Americans, and, moreover, my means being all invested in the United States, from where alone I draw all my income, the Bancroft treaty could find no application to my particular case; and they further state that they know of many similar cases where the individuals have never been troubled by the authorities here. They are decidedly of the opinion that all that is necessary would be to have every two years my passport renewed at the United States legation in Berlin, and they think that perhaps, in order to observe even the very wording of Article IV of the Bancroft treaty, it might be well every two years to spend a certain time abroad.

This may probably be your opinion likewise, and you may perhaps consider my steps to ascertain the opinion of the Prussian ministry of foreign affairs as altogether unnecessary; yet I thought it might serve to remove all possibility of future difficulties with the authorities here, as also in such cases to avoid a necessitated intervention of the United States legation in the future. I should feel under great obligations if, at a convenient time, you would kindly do me the favor of transmitting to me the views you entertain respecting my particular case, and

Remain, &c.,

AUGUSTUS REICHARD,
Bergstrasse, 16.

[Inclosure 2 in No. 74.]

Mr. Kasson to Mr. Reichard.

LEGATION OF THE UNITED STATES,
Berlin, November 14, 1884.

SIR: Your letter of the 10th instant is received. With it you inclose a communication addressed to the German ministry for foreign affairs, and request that the same be transmitted to its destination by this legation, in order, as you state, that it may receive more attentive consideration. In the communication to this legation, as well as in that to the German ministry, you present facts relating to your compliance before emigration with the obligation of military service in your native country, your acquisition of citizenship in the United States, and your places of residence since, and conclude by soliciting both from this legation and the German ministry expressions of their views upon your case.

The essential facts stated appear to be the following: You were born in Germany in 1820; emigrated in 1844, at the age of twenty-four years, to the United States, where you were naturalized January 21, 1850, as shown by a certificate of naturalization now in your possession; that in the summer of 1881 you returned to Germany in pursuit of health, and settled at Dresden; that, after a residence in Germany of more than two years, you returned last winter for business and other purposes to the United States, where you spent six months; that, finding the American climate still injurious to your health, and being advised by your physicians to absent yourself for several years more, you returned to Germany, after obtaining a new passport from the Department of State, and after making yourself acquainted with the details of the Bancroft treaty, with the special view of guarding yourself against the stipulation of Article IV of said treaty. You also state that you addressed a communication to the honorable Secretary of State on the subject of your case, and received, under date of March 19, 1884, a reply thereto which left your position still clouded with doubt.

You quote the three questions submitted in your communication to the Department of State, and request this legation to answer them, substantially repeating the same inquiries in your inclosure addressed to the German Government.

Briefly stated, you wish to know (1) whether, in view of the state of your health, you may again stay in Germany for more than two years without forfeiting for yourself or children, now all minors and born in the United States, the rights of American citizenship; (2) whether a possible forcible alteration of your citizenship would bring about a change in the citizenship of your minor children and your native American wife; (3) would your return to the United States every two years for a limited period remove all doubts and difficulties?

Replying to your first inquiry, you are informed that Atrticle IV of the treaty referred to leaves it optional with the German authorities to hold that the renunciation of American citizenship exists, as to these authorities, after your residence in Germany shall have been prolonged beyond the period of two years. This legation cannot anticipate the action thereon of the German Government. But if they should so hold, that would not make you a German subject without voluntary proceedings taken by yourself therefor. As we read the German naturalization law, after being once a citizen of another country you can again become a German subject only by applying for naturalization under their forms of law. They might expel you from Germany, but cannot make you a subject against your will.

In reply to your second inquiry, your children were all born in America—we so understand it—after you became a citizen. They are, therefore, native-born American citizens, and can become liable as German subjects in only one of two ways—(*a*) by their father becoming a German subject during their minority and while they remain under paternal control, or (*b*) by they themselves voluntarily becoming naturalized under German laws. We know of no case of an American-born citizen being put into the army as a German subject, without the father's consent, either by naturalization or expressly. Your own naturalization as a German subject would abandon for your wife and for your minor children, at least till they attain their majority, their rights as American citizens, as their condition always follows yours.

In reply to your third inquiry, the legation is of opinion that recurring visits to Germany, not prolonged beyond two years, are permissible under the treaty, *if preceded by bona fide resumptions of residence in the United States*, and that the residence of six months which preceded your recent return to Germany should be regarded as such a residence.

In the opinion of this legation, the German Government reserved the right in question in order to act or decline to act upon each case as it should be presented at the time for action, without interference by the United States. We do not, therefore, believe that you would now obtain from them a satisfactory reply, and do not think it

advisable to transmit your application to them, thus calling special attention to your case and that of your children. The only effect, in our view of the case, of your overstaying two years would, be to give the German authorities the right to say (without our interference) that you or your children, or both, must become naturalized or leave the country. As long as you hold to the *bona fide* intention to return to the United States to reside there as a citizen, *we* hold you and your minor children to be still American citizens.

Your inclosures are herewith returned.

I am, &c.,

JOHN A. KASSON.

No. 137.

Mr. Kasson to Mr. Frelinghuysen.

No. 99.] LEGATION OF THE UNITED STATES,
Berlin, December 8, 1884. (Received December 22.)

SIR: Referring to your instruction No. 5, of the 22d of August last, transmitting to the legation certain correspondence relating to the threatened seizure of the inheritance in Germany of Charles Weniger, a naturalized citizen of the United States, in order to enforce the payment of a fine assessed against him for the non-performance of military service, and directing that the case be investigated and such action taken as the facts might be found to warrant, I have the honor to state that the action taken in execution of your instruction by this legation has resulted in the discontinuance of proceedings against Weniger, and in the striking his name from the German military rolls.

The information of this satisfactory termination of Weniger's case is conveyed in a note received from the foreign office to-day, of which a translation is herewith inclosed.

I have, &c.,

JOHN A. KASSON.

[Inclosure in No. 99.—Translation.]

Count Hatzfeldt to Mr. Kasson.

FOREIGN OFFICE,
Berlin, December 6, 1884.

The undersigned has the honor, recurring to his note of October 3 last, concerning Simon Carl Emil Weniger, born at Königsee, and naturalized as a citizen of the United States of America, to inform Mr. John A. Kasson, envoy extraordinary and minister plenipotentiary of the United States of America, that the execution of the penalty adjudged against Weniger for violation of military duty by the penal chamber of the land court at Rudolstadt, has been discontinued, and that his name has been stricken from the military rolls.

The undersigned renews, &c.,

VON HATZFELDT.

GREAT BRITAIN.

No. 138.

Mr. Lowell to Mr. Frelinghuysen.

No. 693.] LEGATION OF THE UNITED STATES,
London, January 17, 1884. (Received February 2.)

SIR: Referring to your instruction No. 688, of October 16, 1883, I have the honor to inclose a copy of the correspondence, since the reception of that dispatch, between this legation and the foreign office, in reference to the termination of certain articles of the treaty of May 8, 1871.

It will be seen by Lord Granville's note that Her Majesty's Government accept the notice of the termination of these articles of the treaty as applying to Newfoundland as well as to the Dominion of Canada.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 693.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, November 16, 1883.

MY LORD: Referring to your lordship's note of the 22d of August last, in which your lordship inquired whether, in accepting the notice which I gave to Her Majesty's Government, on the 2d of July last, that the provisions of articles 18, 19, 20, 21, 22, 23, 24, 25, and 30 of the treaty of May 8, 1871, between the United States and Great Britain, will terminate and be of no force on the expiration of two years from the date of said notice, Her Majesty's Government correctly understand the intention of the United States Government to be that the provisions of article 32, which relate to Newfoundland, shall cease to be in force and operation at the same time as the articles recited in the notice which relate to the Dominion of Canada, I have the honor to acquaint you that I lost no time in transmitting a copy of your lordship's note to the Department of State.

I have now received a reply from Mr. Frelinghuysen, in which I am instructed to inform your lordship that Her Majesty's Government correctly understand the intention of the Government of the United States to be that the provisions of article 32 of the treaty of Washington, which relate to Newfoundland, shall cease to be in force and operation at the same time as the articles recited in the notice of the termination given by me on the 2d of July last which relate to the Dominion of Canada.

Mr. Frelinghuysen states that your lordship's inquiry does not appear to invite any discussion of the points involved, or to ask anything more than a simple declaration of the intention of the United States Government as to the scope of the notice of the termination so given. He states, however, for my information, the reasons why the thirty-second article must be considered as in force so long as the other articles which are specifically terminable are in force. As his views on this subject may be interesting to your lordship, I venture to send you a copy of his dispatch, although I have no instruction to do so.

I have, &c.,

J. R. LOWELL.

[Inclosure 2 in No. 693.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, *January* 16, 1884.

SIR: I have the honor to acknowledge the receipt of your note of the 16th of November last, in which you state that it is the intention of the Government of the United States that the provisions of article 32 of the treaty of Washington, which re-

late to Newfoundland, shall cease to be in force and operation at the same time as the articles recited in the notice of termination given by you on the 2d of July last which relate to the Dominion of Canada.

I have to state to you, in reply, that Her Majesty's Government accept this notice as applying to Newfoundland as well as to the Dominion of Canada.

I have, &c.,

GRANVILLE.

No. 139.

Mr. Lowell to Mr. Frelinghuysen.

No. 704.] LEGATION OF THE UNITED STATES,
London, February 2, 1884. (Received February 15.)

SIR: I have the honor to inform you that I have just received a letter from Earl Northbrook, first lord of the admiralty, a copy of which I inclose herewith, conveying, in behalf of the British Government, the generous offer of the Alert as a present to our Government, for the Greely relief expedition.

I now have the honor to inclose a copy of the note I wrote in reply to his lordship.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 704.—Private.]

Lord Northbrook to Mr. Lowell.

ADMIRALTY, S. W., *February* 1, 1884.

MY DEAR MR. LOWELL: Commander Chadwick has mentioned, in conversation with Sir Cooper Key, that Her Majesty's ship Alert might be of use to the United States Government in an expedition to be dispatched in search of the expedition which is missing in the Arctic regions.

I write a line to say that we have not forgotten the very considerate conduct of the Government of the United States on the occasion of the recovery of the Resolute, and that if you should be instructed to make any suggestions, through the usual official channel, that the Alert would be of any use to the United States Government, we shall be happy to ask you to accept her as a present.

Yours, very sincerely,

NORTHBROOK.

[Inclosure 2 in No. 704.—Private.]

Mr. Lowell to Lord Northbrook.

LEGATION OF THE UNITED STATES,
London, February 2, 1884.

MY DEAR LORD NORTHBROOK: It is with an emotion for which the diplomatic phrase "peculiar satisfaction" is altogether too colorless that I hasten to acknowledge the reception of your private note of yesterday, informing me of the offer by Her Majesty's Government of Her Majesty's ship Alert as a gift to that of the United States, for the use of the Greely relief expedition. As I think the terms of your note more expressive than any that I could substitute for them, I shall this morning send a copy of it to Washington.

In the mean while I beg thus, in advance, to convey to you, and through you to Her Majesty's Government, the thanks of the President for this particularly timely and graceful recognition of that international courtesy which I trust will always characterize the intercourse of our respective countries.

Faithfully, yours,

J. R. LOWELL.

No. 140.

Mr. Lowell to Mr. Frelinghuysen.

[Telegram.]

LONDON, *February* 19, 1884.

Formal offer Alert from Government came this morning.

Admiralty find many things wanting; from press of work can do nothing; but Greens promise her in three weeks, with most of equipment.

LOWELL,
Minister.

No. 141.

Mr. Lowell to Mr. Frelinghuysen.

[Telegram.]

LONDON, *February* 20, 1884.

Ship an unconditional gift, with anchor, chains, and such of her equipment as can be utilized.

Shall we accept her? We fit her out. Greens most reliable firm in London.

Please answer at once.

LOWELL,
Minister.

No. 142.

Mr. Frelinghuysen to Mr. Lowell.

[Telegram.]

WASHINGTON, *February* 21, 1884.

Her Majesty's Government having presented to the Government of the United States the ship Alert, to aid in the relief of Lieutenant Greely and his party, you will inform the secretary of state for foreign affairs that the spirit which prompts this act of generosity and this evidence of sympathy with the object in view, receives the highest appreciation of the President, as it will that of the people of the United States. The President sends his cordial thanks for the opportune gift of this vessel, which he accepts in the name of the United States, and which will be used in the humane enterprise for which it is so peculiarly adapted.

FRELINGHUYSEN.

No. 143.

Mr. Frelinghuysen to Mr. Lowell.

No. 784.] DEPARTMENT OF STATE,
Washington, February 27, 1884.

SIR: Referring to your dispatch No. 350, of the 4th of May, 1882, in relation to the case of John R. McCormack, who was at that time a prisoner in the jail of Clonmel, county Tipperary, Ireland, I now trans-

mit to you a copy of a letter of 28th of November last, addressed by Mr. McCormack to the President, in which he invokes the action of this Government to secure for him from that of Great Britain $50,000, as indemnity for five months' imprisonment in the jails of Clonmel and Naas. You have in the records of your legation a certificate of the naturalization of John McCormack in the justices' court of Troy, Rensselaer County, New York, on the 25th of October, 1867. His explanation of the apparent discrepancy in the name under which he goes and under which he was arrested, namely, that he adopted the middle initial R, as representing the name of his mother, whose maiden name was Ryan, in order to distinguish himself from several other John McCormack's residing in the county Tipperary, three of whom were first cousins of his own, appears to be reasonable, and, assuming that it was at the time satisfactory to you, I proceed upon the hypothesis that the John McCormack naturalized in Troy in 1867 and the present claimant are identical.

From the statements made to you by Mrs. McCormack, the wife of the claimant, it appears that her husband returned to Ireland in 1869, and that, with the exception of a brief visit to the United States in 1873, he had resided there from that time (1869) up to the time of his arrest, in the latter part of 1881 or the beginning of 1882. He still resides there, as his letter to the President is dated from the "People Office," a local newspaper in Tipperary of which he is and for many years has been the publisher and proprietor and presumably the editor, although that fact is not stated. He has thus been for a period of over fourteen years absent from his adopted country, and, moreover, a voluntary resident of the country of his birth, and within the jurisdiction, territorial, political, and judicial, of the Government of his original allegiance, under whose flag he was born and grew to manhood. He has during all this period been relieved from his proper share of the duties and obligations that attach to and may be imposed on a citizen of the United States. He pays no taxes, either State or Federal, in this country, and does not allege that he has one dollar's worth of property, real or personal, within the territorial jurisdiction of the United States; he is not within the call or control of this Government if he were needed for its defense; still further, he has not only failed during all these years to express any intention of ever returning to the United States, but he has also failed, in his acts, his general conduct, and his pursuits, to give any sign or manifestation of such intention to return to the country which he claims as that of his adoption. He writes and talks as a man who considers himself domiciled for life in the country of his birth and original allegiance. These facts form very strong evidence of voluntary expatriation.

The Congress of the United States has clearly recognized, in its declaratory act of the 27th of July, 1868 (Revised Statutes, section 1999), the right of voluntary expatriation as an inherent right of every American citizen. He may denationalize himself at any time he sees fit, and the same law expressly forbids any executive or ministerial officer of this Government from questioning the right.

It is true, as you state in your No. 350, of the 4th of May, 1882, that with some continental powers the United States have concluded conventions on the subject of citizenship and naturalization by the terms of which two years' voluntary residence of a naturalized citizen of the United States in the country of his origin is to be taken as presumptive evidence of his renunciation of United States allegiance and citizenship. We have, however, no treaty on the subject with Great Britain. The supplemental convention of February, 1871, which provided a

mode and form for renunciation of citizenship for the citizens and subjects of either country naturalized in the other, expired by limitation in August, 1872. Therefore, the case of British subjects naturalized in the United States, who return to and voluntarily resume a permanent residence within the territorial jurisdiction and dominions of Her Britannic Majesty, must rest for settlement and determination upon the facts and upon general but well-understood and settled principles. Thus, an American citizen may travel or reside in a foreign country indefinitely for the purposes of education, health, business, or of pleasure, and continued absence from the United States, not accompanied by any act inconsistent with his allegiance to his country, will not cause a forfeiture of citizenship. If, however, such citizen removes his family and property from the United States, enters into business and settles permanently in a foreign country, neither expressing nor manifesting by his acts any intention of returning permanently to the United States, and if under the latter circumstances he wishes the protection of this Government against the Government or laws of the country in which he has residence, it becomes a proper subject of inquiry whether he has not voluntarily abandoned his right to such protection. The active exertion of the Government in the protection of a citizen may also be influenced by the acts of the individual, even if he has not technically forfeited his citizenship.

This Government recognizes neither by its laws nor its practice any distinction between a native and a naturalized citizen. Both are alike entitled to the protection of the Government, abroad as well as at home, and each has such protection extended to him in the same measure under proper conditions. Each case must of course rest on its own facts and circumstances, but we are not without at least analogous executive precedents bearing with more or less pertinency upon the case of Mr. McCormack.

In 1866 Mr. Seward, then Secretary of State, received an application for passports from five brothers residing in Curaçao, who were born in that island, of parents citizens of the United States. The young men had always resided in Curaçao, had all their property there, and had never been in the United States. The passports were refused, on the ground that they were not entitled to the protection of this Government.

In 1873 the son of John Peppin, a Frenchman by birth, invoked the protection of this Government against the operation of French military law. The circumstances of his case were these: Peppin when a young man emigrated to the United States, was educated in Kentucky, became a citizen of the United States, resided in New Orleans several years, returned to France, married a French woman, and remained in France until his death. Some eight years after his return to France two children were born to him, one of them the son in question, who at the time of his application was eighteen years old. Protection in this case was refused by my predecessor, Mr. Fish.

In 1856 Mr. Cushing, then Attorney-General of the United States, in a learned opinion, maintains the right of expatriation, and places the evidence in support thereof on a hypothetical basis, and in all respects similar to the facts in Mr. McCormack's case; that is, that when the individual removes himself, his family, and his property from the country, and takes up his residence in a foreign country, manifesting no intention to return to the United States, he is to be considered as having renounced his allegiance to this Government (8 Opinions, page 139). And Mr. Black, the successor of Mr. Cushing, in 1857, holds the same doctrine (9 Opinions, page 63).

It would be superfluous to multiply these precedents. The action of the executive branch of the Government has been uniform on the subject. When a citizen of the United States voluntarily places himself within the jurisdiction of a foreign Government, and subjects himself and his property to its laws, and when such citizen afterwards seeks the interference of the United States to redress some wrong which he may have suffered at the hands of such foreign Government, this Government reserves to itself the right of determining not only on the merits of the particular claim, but also on the claimant's right to its protection. It is for this Government to say whether the claim shall be presented or not to the foreign Government.

In the case of Mr. McCormack, however, it is not necessary to decide whether he has technically lost his adopted citizenship. He is at liberty, and peacefully following his occupation in the country of which he complains, and to which he returned two years after his naturalization in the United States. He asks a money indemnity for imprisonment suffered under the laws of the country where he lives, and asks the United States to procure it for him. To the United States, for over fourteen years, he has rendered no service, he has paid no taxes, has not been available for the defense of his adopted country in case of possible war; neither has he been accessible for jury duty, and he has no personal or material interests here.

After a careful consideration of the facts and circumstances of the case, it is not conceived that the claim is one which can with propriety be presented by this Government to that of Great Britain. No suggestion of this instruction, however, is to be taken as expressing an opinion as to what Mr. McCormack's political status would be should he return permanently to the United States, nor as to the action of this Government were he suffering present unjust personal treatment.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 784.]

Mr. McCormack to the President.

PEOPLE OFFICE, TIPPERARY, *November* 28, 1883.

SIR: I beg to inform you that I am a citizen of the United States; I have been incarcerated in a British bastile for nearly five months by the British Government, without knowing for what. My case I shall prove in due course, but in the interval I shall ask you to take the same care of me as has the British Government in the case of the Rev. Mr. Shaw.

In my case you will be good enough to ask of the British Government £10,000, and shall it not be forthcoming in due course, I will have to appeal to my fellow citizens of the United States.

I send a copy of this to Mr. Lowell, and to many of my fellow-citizens at your side of the Atlantic.

I am, &c.,

JOHN R. McCORMACK.

No. 144.

Mr. Frelinghuysen to Mr. Lowell.

No. 835.] DEPARTMENT OF STATE,
Washington, April 17, 1884.

SIR: I inclose herewith, for your information, copies of correspondence with the American consulate at Colombo concerning certain legislation of the colony of Ceylon, by which it appears that it is proposed

to levy a duty upon kerosene oil, heretofore free, to take effect upon the passage of the law, without excepting from its provision kerosene oil then in transit from this country.

I will thank you to call the attention of the foreign office to this matter, with the statement that this Government entertains the view that it is very desirable that sudden changes in colonial tariffs should not be allowed to affect *bona fide* shipments *en route* at the time, and that the hope is entertained that the Imperial Government may be able to afford adequate relief to American shippers who may have been injuriously affected by the legislation of Ceylon.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 835.]

Mr. Morey to Mr. Davis.

No. 243.] UNITED STATES CONSULATE AT CEYLON,
Colombo, December 11, 1883. (Received January 16, 1884.)

SIR: Adverting to the subject-matter of my dispatch No. 130, of May 11, 1881, I inclose herewith two printed copies of the speech of his excellency the governor at the opening of council last Friday, and would draw attention to the marked paragraph intimating an intention of levying a duty on kerosene oil, hitherto imported free.

I think that such a measure is to be deprecated, even from local considerations, for the product is a great boon to the natives, being by far the best and cheapest illuminator they can get, and an impost increasing its present cost will, I fear, militate against its enlarged introduction. The act would also be very unreciprocal towards the United States, for kerosene is the only American commodity comprised in the 300,000 rupees' worth of our goods possibly consumed here yearly that is free of duty, whereas the Ceylon exports to the United States, amounting to over 2,000,000 rupees in value yearly, are all in our *free list.*

The value of the kerosene oil imported here last year was under 119,000 rupees, the duty upon which at 5 per cent. ad valorem, a rate analogous to that ordinarily levied here upon most goods, would therefore produce the small sum of 5,950 rupees, an amount, it strikes me, so insignificant as not to be worth the risk of interfering in such a direction with the trade, and out of all comparison with what the colony would lose were our Government to put a duty upon the 560,000 rupees' worth of cocoanut oil alone we now take annually from Ceylon; and yet, to my knowledge, the traffic in that article at home yields so inconsiderable a profit that the imposition of any duty upon it at all in America would effectually put a stop to the trade, and thus this island would be deprived of about its best customer for so much at least as we now take of the article, a deprivation, in fact, which in these hard times would be severely felt here.

Immediately upon learning the intention of the local government to put on this duty, I wrote soliciting an interview with his excellency the governor with a view to represent these facts to him, and am assured in a letter of yesterday's date that he will appoint a time to meet me after his levee on the 13th instant. I hope then to be able to place the matter before him in such a light as will induce a reconsideration of the subject, and possibly an abstention from the measure, which I suppose would not have been thought of now were it not that the colony is suffering from a diminished revenue.

I am, &c.,

W. MOREY.

[Inclosure.]

Extract from the address of the governor of the colony.

It is not, however, my intention at once to propose to you to have recourse to this step, except in so far as regards a readjustment in the mode of collecting duties on grain and the reimposition of a duty on the importation of kerosene oil, both of which measures have been recommended by the committee.

[Inclosure 2 in No. 835.]

Mr. Morey to Mr. Davis.

[Extract.]

No. 249.] UNITED STATES CONSULATE AT CEYLON,
Colombo, February 16, 1884. (Received March 24.)

SIR: Adverting to my No. 243, of December 11 last, I have to report that the promised interview with the governor therein alluded to occurred on the 22d idem.

* * * * * * *

His excellency was good enough to say that if I embodied my views in a letter to the government he would have it considered. Accordingly I wrote to the colonial secretary on that day, and inclosed herewith is a copy of my letter; in reply to which I was informed, under date 5th January, 1884, that "my letter would be submitted to the executive and legislative councils by the governor."

It now appears, however, that an act levying a duty of 5 per cent. ad valorem upon kerosene oil has passed the legislature within this week, and become a law, without the last-named body being aware that I had addressed the government upon the subject.

The agent of the ship John Harvey (the vessel alluded to in my letter to the colonial secretary as being *en route* here from New York with a consignment of kerosene) asked, quite without my knowledge, Mr. Leechman, an unofficial member of council, to intercede in the interest of that shipment at least, and have, if possible, the bill so made as to exempt from duty all shipments made prior to its enactment. * * *

I am, &c.,

W. MOREY.

[Inclosure.]

Mr. Morey to the colonial secretary.

UNITED STATES CONSULATE AT CEYLON,
Colombo, December 22, 1883.

SIR: I have the honor, in referring to the proposed levying of an import duty upon kerosene oil, as intimated in the speech of his excellency at the opening of council, to beg leave to present for the consideration of the government the following propositions which I conceive may have an important bearing upon the subject, viz: The measure would certainly be unreciprocal towards the United States, inasmuch as that country admits free of duty every considerable Ceylon product, to the value of over 2,000,000 rupees per annum; whereas of the perhaps 300,000 rupees' worth of American products introduced here indirectly annually, only kerosene, valued at 119,000 rupees is admitted duty free; and kerosene as a commodity, instead of competing with any local products, is a valuable auxiliary to other oils, and a positive boon to the inhabitants, especially the poorer classes, as it enables them to light their dwellings in a cheap, effective, cleanly, and otherwise commendable manner, in striking contrast to the inferior and slovenly results and modes connected with the use of native oils; and its use as a substitute for cocoanut oil sets free an equal quantity at least of the latter article for export, which, realizing more than double the cost of kerosene, leaves the colony a handsome profit from the transaction, in addition to the benefit derived from the American product being a more perfect illuminator.

It is more than probable that a duty on kerosene would militate against its importation, for, as a matter of fact, I believe the only direct shipment from America here, though admitted free, failed to yield a profit. It was expected, however, that the transaction would open the way to future dealings, and it appears that another small shipment is now *en route* from New York, which probably would not have been sent had the shippers anticipated its being subjected to an import duty.

In marked contrast to the relative position of kerosene to local products here are the circumstances governing the produce of this island in the United States, for the principal articles of it consumed there, viz, plumbago, coir, and cocoanut oil, compete with and lower the value of American products, without yielding superior results. It is true the use of cocoanut oil as a substitute for tallow sets free an equal amount of the latter article for exportation, which in principle is analogous with kerosene here, but different in degree, since in the latter case the imported article is superior to the native product for the uses it is put to, and so much cheaper that a large profit is gained by the exchange, whereas the difference between the value of cocoanut oil and tallow in America is so small that very little is gained by substituting one for the other.

I need not, I am aware, point out the trifling amount that a duty upon kerosene would yield, for the Government would have noted its insignificance, and if, as I have the highest authority for concluding, the object of levying a duty is to bring the article more completely under Government surveillance, I do most respectfully ask and earnestly hope that some less onerous mode of accomplishing that purpose may be adopted than so unreciprocal a measure as the levying of a duty upon the only free product of a country which buys so largely from Ceylon and admits the latter country's products free.

I am, &c.,

W. MOREY.

No. 145.

Mr. Lowell to Mr. Frelinghuysen.

No. 771.] LEGATION OF THE UNITED STATES,
London, May 13, 1884. (Received May 26.)

SIR: Referring to your instruction No. 835, of the 17th ultimo, I have the honor to acquaint you that, after a careful perusal of the accompanying correspondence between the State Department and our consul at Ceylon, I addressed a note to the foreign office in reference to the duty imposed upon kerosene oil by that colony.

Lord Granville has just replied to my communication, and states that the secretary of state for the colonies has referred it for the consideration of the local government at Ceylon.

I have, &c.,

J. R. LOWELL.

No. 146.

Mr. Lowell to Mr. Frelinghuysen.

No. 877] LEGATION OF THE UNITED STATES,
London, October 20, 1884. (Received November 1.)

SIR: Referring to my No. 771, of the 13th of May last, I have the honor of inclosing a copy of my letter to Lord Granville calling his attention to the imposition of a customs duty upon kerosene oil at Ceylon already in transit from the United States to that colony before the passage of the law authorizing the levying of such duty. I also inclose a copy of a note which I have just received from Lord Granville, communicating the final decision of the governor and council of Ceylon in relation to this matter, by which it will be observed that no exemption can be made from the operation of the local customs ordinance in favor of kerosene oil in transit from America to the colony at the time of the passing of the ordinance.

I have, &c.,

J. R. LOWELL.

[Inclosure 1 in No. 877.]

Mr. Lowell to Lord Granville.

LEGATION OF THE UNITED STATES,
London, April 29, 1884.

MY LORD: I have the honor to acquaint you that the Department of State at Washington has been informed that it is proposed by the legislative authority of the colony of Ceylon to levy a duty upon kerosene oil, heretofore free, to take effect upon the

passage of the law, without excepting from its provisions kerosene oil then in transit from the United States.

I am instructed to call your lordship's attention to this matter, with the statement that the Government of the United States entertains the view that it is very desirable that sudden changes in colonial tariffs should not be allowed to affect *bona fide* shipments *en route* at the time, and requests me to express the hope that the Imperial Government may be able to afford adequate relief to American shippers who may have been injuriously affected by the legislation of Ceylon.

I have, &c.,

J. R. LOWELL.

[Inclosure 2 in No. 877.]

Lord Granville to Mr. Lowell.

FOREIGN OFFICE, LONDON, *October* 17, 1884.

SIR: With reference to my note of the 5th of May last, I have now the honor to acquaint you that the secretary of state for the colonies has received a report from the governor of Ceylon to the effect that in the opinion of his council and himself no exemption can be made from the operation of the local customs ordinance No. 14 of 1884 in favor of kerosene oil in transit from America to the colony at the time of the passing of the ordinance.

The Earl of Derby, while forwarding the copy, which I beg to inclose herewith, of the minister of the Ceylon executive council, observes that it has been ascertained that the above decision of the local government is in accordance with the imperial practice, to which the commissioners of customs can find no exception, and his lordship can therefore only express his regret that it is not in his power to entertain favorably the representation on this matter which was made on behalf of the United States Government in your note dated the 29th of April.

I have, &c.,

GRANVILLE.

[Inclosure 3 in No. 877.]

The executive council is not prepared to grant the relief advocated by the United States minister in England, for the following reasons:

In accordance with customs laws, no cognizance can be taken of floating cargoes whenever it is found necessary to impose duties which may affect such cargoes, and the local ordinance, No. 17 of 1869 is very distinct upon this point, inasmuch as it declares that, in respect of an importation, the time for the first levying of duty shall be deemed to be the time at which the ship has actually come within the limits of the port where the goods are to be discharged. It should also be borne in mind that until the 31st March, 1878, there was an ad valorem duty of 5 per cent. levied upon kerosene oil, and that its reimposition became necessary from a falling off of the revenue. It was publicly known that this measure was recommended to the Government by the retrenchment committee in the early part of 1883, and an objection to the duty by the United States consul in Colombo was considered in executive council and subsequently in the legislative council, but the sense of both councils was against granting the concession applied for or deferring the operation of the law by which the duty has been reimposed.

R. W. D. MOIR.
W. D. WRIGHT.
J. MACLEOD.
G. J. M. O'BRIEN.

No. 147.

Mr. Frelinghuysen to Mr. Lowell.

No. 1006.] DEPARTMENT OF STATE, *Washington, October* 20, 1884.

SIR: I inclose herewith, for your information, a copy of a dispatch to this Department from Mr. J. A. Leonard, the American consul-general at Calcutta, reporting the arrival at that port of three Mormon emissaries.

Inasmuch as the Mormons, exercising polygamy, constantly increase in numbers by reason of accessions from abroad recruited by emissaries from Utah operating beyond the reach of the laws of this country, this Government is obliged to avail itself of the good offices of the authorities of foreign countries to oppose and suppress, so far as practicable, the missions of the Mormons.

I will therefore thank you to bring the matter to the attention of Her Britannic Majesty's Government, with the request that appropriate instructions may be issued to the proper authorities, with a view to checking the proposed shipment of Mormon recruits to this country from India.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 1006.]

Mr. Leonard to Mr. Davis.

No. 18.] CONSULATE-GENERAL UNITED STATES,
Calcutta, August 30, 1884. (Received October 6.)

SIR: I have the honor to report that three Mormon missionaries, Messrs. Willis, McCann, and Pratt, have recently arrived and are now in Calcutta.

Their object is to make converts, and it is to be expected that they will take them to Utah.

It is likely to be several weeks, and may be months, before these missionaries will have enough converts to make a shipment from this port. I expect to keep advised as to their movements, but from the length of time necessarily required to communicate between this country and England, it is very doubtful whether a report sent from here to the minister at London, after the facts shall have been ascertained, pursuant to section 381 of the Consular Regulations, would reach there and could be acted upon before the missionaries and their converts will have left for the United States.

I would respectfully ask whether any means of prevention exist or whether any action on my part to prevent the sailing of such converts is called for.

I am, &c.,

J. A. LEONARD.

No. 148.

Mr. Lowell to Mr. Frelinghuysen.

No. 895.] LEGATION OF THE UNITED STATES,
London, November 15, 1884. (Received November 28.)

SIR: Referring to your instruction No. 974, of the 8th September last, I have now the honor to inclose a report, drawn up, under my supervision, by Mr. Henry White, one of the secretaries of this legation, on the subject of unclaimed estates in England, which, I believe, covers the whole field of inquiry.

I hope it may be of some use in saving the money of those foolish dupes in the United States who have not already thrown it away in the worse than useless pursuit of imaginary fortunes in Great Britain. They might as well seek to recover possession of a castle in Spain through the intervention of our minister to that country.

I may as well mention that in a letter received within a few days with relation to a non-existent estate here there was inclosed a lithographed circular in the name of an equally non-existent firm of solicitors. I have already communicated with the police in respect of these swindlers,

and have some hope that we may be able to break up one, at least, of these dens of thieves.

I cannot close this dispatch without commending the industry and intelligence shown by Mr. White in performing the task assigned to him, and the highly satisfactory manner in which he has acquitted himself.

I have, &c.,

J. R. LOWELL.

[Inclosure in No. 895.]

Mr. White to Mr. Lowell.

LEGATION OF THE UNITED STATES,
London, November 15, 1884.

SIR: I have the honor, in accordance with your instructions, to submit to you the following report in reference to unclaimed estates and property in this country, and to the claims thereunto which are continually addressed by our fellow-citizens to this legation, together with a few details tending to show the utter hopelessness of most of these claims, and the means necessary to establish such as have any validity, instances of which are, however, extremely rare.

The archives of the legation show that a considerable proportion of our miscellaneous correspondence is composed of letters upon this subject. The writers in some instances furnish a few details as to the nature and locality of the property to which they imagine themselves to be entitled; more frequently they merely state that, according to an advertisement in some local newspaper, a very large sum of money or landed estate was left, at a period more or less remote, either to a person of the same name as their own, or to one of different name from whom they believe themselves to be descended; and, with very few exceptions, they ask the legation to make immediate inquiries in the matter, frequently even to bring the case before Parliament.

It is evident that most of these correspondents imagine that the prosecution of their claims must be comparatively easy, and that they are lamentably ignorant not only of the great difficulty in finding out the whereabouts of the estate referred to, but also of the absolute necessity that not one link should be missing in the chain of evidence as to their descent, identity, and right to the property claimed; otherwise its recovery is impossible. It never appears to enter the minds of those who write to us in reference to estates that their claim, however good originally, may be rendered valueless by a statute of limitations; neither are they apparently aware that they should not apply for information or assistance to diplomatic or consular officers of the United States, who have no facilities, even had they the time, for making the minute investigations requisite, but to a lawyer, whose particular business it is to attend to such matters, which require special training and long experience.

It is the invariable rule of the legation to acknowledge promptly the reception of all these communications, to acquaint those who furnish any details whereby the property claimed may be traced that our staff is totally inadequate to undertake such laborious researches as the prosecution of their claim would involve, and to refer them to reputable solicitors who make a special study of business of that kind. To correspondents who furnish very meager details, or none at all, an answer is sent to the effect that the data furnished are totally insufficient to enable the legation to be of any use to them.

There seems to be no doubt that many are led to believe themselves heirs to vast estates in Great Britain by designing persons on both sides of the ocean, who, with a view to personal gain, insert notices in local newspapers in the United States to the effect that a large property left by a person of the same name with that of some well-known family of the district, or of some exceedingly common name likely to occur anywhere, such as Smith or Jones, or who distribute far and wide lists of unclaimed estates which do not exist. Large sums of money are annually thrown away by the dupes of these advertisements and fictitious lists, and a handsome revenue is made by the agents, as they call themselves, for the discovery of lost heirs and the recovery of unclaimed estates. The *modus operandi* usually adopted by these agents is to ask first for a remittance of £2 or £3, to cover the cost of copying the will upon which the claim purports to be based; then a larger sum for the expenses of instituting inquiries; and at each successive stage more blackmail is levied, the correspondence being so cleverly conducted that several years frequently elapse before the fraud is discovered. None should contribute a dollar to unknown agents, especially towards any expenses

connected with establishing claims to estates in this country, until inquiry has been made of counsel here, first, as to the *existence* of the estate, and then as to the chances of its recovery. I am told by reputable solicitors that not one claim in a thousand of all those referred to them by the legation has had any validity whatever, and very few, during their long experience of claims from America, have been successful.

Unclaimed estates may be divided into several classes, but the claims which the legation is requested to investigate consist (1) of estates reverting to the Crown through the owners thereof dying intestate, without known heirs or next of kin, and of estates of which possession has been taken by some person not the rightful heir, because such heir was unknown; (2) of unclaimed deposits and dividends on Government stocks in the Bank of England; and (3) of unclaimed funds in chancery.

(1) Until recently there was no limit to the time during which estates which had reverted to the Crown through the death of the owners intestate, without known heirs, might be recovered. Towards the end of the last session of Parliament, however, the "intestate estate" acts (47 and 48 Vict., chapter 71) was passed, by which the statute of limitations is applied to this class of unclaimed property, whether real or personal, and the presentation of petitions of right with reference thereto prohibited, "except within the same time and subject to the same rules of law and equity in and subject to which an action for the like purpose might be brought by or against a subject." In short, estates such as the foregoing are now subject to the same law with those in the possession of individuals not originally the rightful owners, but whose ownership becomes absolute after the lapse of a certain period during which no claimant appears.

This period is fixed for real estate by the "real property limitation act of 1874" (37 and 38 Vict., chapter 57), which provides that no land shall be recoverable but within the next twelve years after the time at which the right to bring an action or suit for the recovery thereof shall have first accrued to the person making or bringing the same. Should such persons be under any of the following disabilities: Infancy, coverture, idiocy, or unsoundness of mind, at the time when the right to bring an action for the recovery of such land first accrued, this act provided that they shall have the same rights in the premises as though the twelve years had not yet expired. during the six years next after the time at which they shall cease to be under such disabilities up to a limit of thirty years, after which no action can be brought for the recovery of land, even though the person having the right to bring the same may have been laboring under the disabilities mentioned during the whole period.

No action may be brought for the recovery of personal property after a lapse of twenty years (23 and 24 Vict., chapter 38).

Any attempt, therefore, to recover real estate from the Crown or individuals after a lapse of twelve years (which may be extended to thirty under certain circumstances), and personal property after a lapse of twenty years, however valid the claim of the person making the attempts may have been originally, is certain to end in failure.

All members, consequently, of the "Jennens Association of the United States of America" may rest assured that their subscriptions are simply money thrown away, if their object be the recovery of the Jennens estate. Recently a letter was received here from a member of the aforesaid "Jennens Association," who had just been notified that a general assessment of $5 had been levied for the year ending June 30, 1884, and who, before paying the same, inquired whether the legation could furnish any information regarding the Jennens estate, "said to be pending before the court of chancery in England."

The letter inclosed sundry interesting documents emanating from the "association," in one of which it is stated that "the finance committee are fully satisfied with our agent's progress in the case," and, further on, that "it becomes necessary for each and every member of this association to respond with cash as liberally as their means will afford, to carry our case to a final issue, which we have every reason to believe will be successful provided the funds be furnished." I can only say that the finance committee of the "Jennens Association" must be easily satisfied, as an official of the court of chancery recently informed me that, to the best of his belief, there is not a sixpence in chancery belonging to the "Jennens estate." So many letters of inquiry have been addressed to the legation during the past forty years (possibly longer) respecting this estate, that I venture to give a few particulars on the subject.

William Jennens, a bachelor of Acton, Suffolk, and Grosvenor Square, London, died in 1798, possessed of about two millions sterling. He left a will, which unfortunately he had forgotten to sign. Consequently his landed estates passed, contrary, I understand, to what would have been the case had the will been valid, to his heir-at-law, George Augustus William Curzon, and they now belong to Earl Howe, the head of the Curzon family. Mr. Jennens's personal property passed to his cousins, and part of it now belongs to Earl Beauchamp and others.

From that day to this there have been periodical attempts on the part of real or imaginary connections of Mr. Jennens to dispossess the actual owners of his estates. The case has been repeatedly before the courts and the decision has invariably been

against the claimants. The most recent occasion, I believe, was the case of "Willis and others *v.* Earl Howe and others," in November, 1880, before Vice-Chancellor Malins, who, in giving judgment against the claimants, is said to have remarked, "If such a claim could be allowed after a period of eighty-two years, no one would be safe in possession of his property."

A similar case to this is the "Hedges estate," claims to which are frequently addressed to the legation.

The deputy governor of the Bank of England wrote to us, in reference to this, not long since, that he had "caused a careful search to be made in the books of the bank, and no trace of any funds standing in the name of Sir Charles Hedges can be discovered." Our fellow-countryman the late Colonel Chester, a genealogist of great repute, carefully investigated this claim, and reported that Sir Charles Hedges's will was duly proved by his son William, who inherited all his property and left a number of descendants; therefore, if Sir Charles left an unclaimed estate in the Bank of England, it was not for want of legal heirs.

The claims to the two estates which I have described at some length, those to the "Bradford estate," the "Hyde estate," the "Horne estate," and to many others, may each be described, in Colonel Chester's words, as "one of the ordinary myths by which so many of our countrymen have been beguiled."

(2) We receive frequent applications for large deposits said to be awaiting claimants in the Bank of England, and also inquiries with regard to unclaimed stocks and dividends in the Bank of England, the dates, when given, being often, if not generally, anterior to that of the charter of the bank.

I recently addressed a letter with regard to a claim of this kind to the chief accountant of the bank, and he informs me, first of all, that, in the absence of full particulars (*i. e.*, the name and address in full, with the approximate date of the supposed investments) it is impossible to identify any depositor. Our correspondents very rarely favor us with these particulars; but they usually state that very large sums are lying in the bank unclaimed, the fallacy of which will be shown by the following extract from the chief accountant's letter:

"There are no large amounts of unclaimed stock or dividends standing in our [the Bank of England's] books. Speaking generally, without having made an exhaustive research, which would involve some considerable labor, there are very few amounts of £1,000, and probably none that exceed this sum by more than £100 or £200. There are many small amounts both of stock and dividends, and in order to facilitate the reclaiming of these by the persons entitled to them a memorandum has been drawn up on the subject," of which the following is a copy:

"UNCLAIMED STOCKS AND DIVIDENDS.

"Persons inquiring for unclaimed stocks and dividends in the public funds of England and of India, to which they believe they are entitled, must supply the following particulars: (1) The names in full and addresses of the persons in whose names the stock is supposed to stand; (2) the name of the stock and its amount; (3) the approximate date of its investment.

"As the bank have nothing to guide them in these searches but the names of the stockholders, and as the same or very similar names often recur a great number of times, it is essential that the above information should be given with approximate correctness.

"The bank are bound by law not to permit any dealing with stocks and dividends except by the persons in whose names they stand, or, in event of the decease of those persons, by their legal personal representatives (so constituted by the high court of justice, probate division). Failing either qualification, a claimant may institute proceedings in the court of chancery. It is, therefore, indispensable that applicants should establish their right to deal with the fund in question either as stockholders or as such representatives, as well as show that the said fund is identical with an account in the bank books.

"The bank are in no way custodians of any real property whatsoever; nor have they any knowledge of any of the property of persons dying intestate, nor of the proceeds of estates in chancery, nor of unclaimed dividends or estates in bankruptcy; and, further, as they have likewise no knowledge of the purposes for which investments are made, it is useless for claimants to inquire for deposits or investments supposed to be in existence for their *benefit* or for the *benefit* of other persons.

"CHIEF ACCOUNTANT'S OFFICE,
"*Bank of England, May* 30, 1881.".

All stock and dividends not claimed for ten years are transferred at the end of that time to the commissioners for the reduction of the national debt. Whenever this occurs, notice of the transfer is sent to the stockholder, at the address of which he is

described in the bank's books, and if this notice fail to reach him, it is subsequently sent to the banker or agent whose name may appear as having acted as attorney for effecting the purchase or receiving the dividends.

It was formerly the practice to print and publish lists of unclaimed stock and dividends, but, according to an official of the Bank of England, "it was found that the information contained in these lists was made use of for purposes of fraud, and the publication was discontinued about the year 1845. The stock and dividends in these lists have, most of them, been reclaimed long since. But some of the lists have been subsequently reprinted by unauthorized persons, and are, no doubt, the base of many of the applications now being made. From the nature of the inquiries constantly made of us [*i. e.*, the bank] from the United States we have little doubt but, that stories of unclaimed property existing in the bank are circulated for the purpose of obtaining fees from the supposed heirs."

There is no limitation to the time during which persons furnishing satisfactory proof of their title to stock or dividends transferred to the commissioners for the reduction of the public debt may reclaim them from the latter. The moment a claimant appears, full particulars are published in the leading newspapers of the stock or dividends claimed in that particular case, and further, claimants are admonished to bring forward their claims; but unless all the particulars required in the foregoing memorandum be fully complied with, the attempt to establish such a claim, however valid it may be, can only result in signal failure.

(3) To judge from the letters received at this legation from the United States in reference to unclaimed funds in chancery, many of our countrymen must imagine that institution to be a depository of incalculable millions, a goodly share of which can be easily withdrawn upon the mere institution of a claim to the same by the American minister, and without requirement by the court of any particulars as to the name of the suit, the relationship of the claimant to the parties mentioned therein, or to the original owner of the estate claimed. It is very rarely that in any communication sent us on this subject a smaller sum is mentioned than "several millions," and frequently our correspondents state that they are entitled to twenty, fifty, and even more millions.

It will doubtless cause surprise and disappointment to such as these to be informed that the whole amount of money in the custody of the court of chancery at the present time is about £84,000,000, of which £83,000,000 belong to *owners who are known*, leaving about one million only of unclaimed or dormant funds. According to the last annual statement of the paymaster-general, published pursuant to act of Parliament (35 and 36 Vict., chapter 44, section 20), as to the securities and money appearing by the books at the chancery pay office to be in court at the end of February, 1883, £63,641,655 of the £84,000,000 are invested in Government 3 per cents, and the balance is divided among railway, insurance, and other securities.

It is very difficult to obtain accurate information with regard to the unclaimed funds, as, in order to ascertain whether there be any in the court of chancery belonging to the heirs or representatives of a particular estate, it is indispensably necessary that the title of the suit in which such funds have been deposited should be stated. It is quite useless to hope that such information may be obtained by supplying only the name of the original owner of the property. Thus, an estate originally the property of Brown may appear under the name of "Jones *v.* Smith," or "Robinson *v.* Jenkins." Prior to 1872 no list was published periodically of unclaimed funds in chancery, but in that year the "court of chancery funds act" was passed, by the rules of which a list of dormant funds was ordered to be published every three years in the London Gazette. The last list appeared in the form of a supplement to that journal on the 27th of June of this year, a copy of which I append to this report.

It will be found of little use to claimants, however, for the reasons aforesaid, and also because the amount in each case is not stated.

The following circular will show the steps which must be taken in order to obtain information as to the suits mentioned in this list.

CHANCERY FUNDS.

"An alphabetical list of the accounts of chancery causes and matters in the books of the pay office of the supreme court of judicature on the 1st of September, 1883, of which the funds had not been dealt with during the fifteen years immediately preceding that date, with cross-references to the subtitles of the several accounts, has been prepared, in accordance with the instructions of the treasury and the supreme court fund rules of 1884, and published as a supplement to the London Gazette of Friday the 27th of June, 1884.

"Every request for information in respect of the accounts mentioned in this list should be addressed to the assistant paymaster-general, royal courts of justice, Lon-

don, subject to the following provisions of the one hundred and first of the supreme court funds rules of 1884, viz:

"'The paymaster shall not give any information respecting any funds in court mentioned in such list or statement, except upon a request signed by the person applying for such information. If such request be made by a solicitor, such information shall not be given unless the request states the name of the person on whose behalf it is made, and that such person is, in the opinion of the applicant, beneficially interested in such funds. If such request be made by any person other than a solicitor, such information shall not be given, unless the applicant is able to satisfy the paymaster that the request is such as may in the particular case be properly complied with.'

"Every petition or summons affecting any money or securities to the credit of a cause, matter, or account inserted in this list should contain a statement that it has been so inserted.

"In cases in which the money or securities affected by such petition may amount to or exceed in value £500, a copy of such petition or summons, and notice of all proceedings in court or at chambers, unless the court otherwise directs, should be served on the official solicitor of the supreme court."

"In addition to the three classes which I have described at length, there are also unclaimed funds in the shape of dividends in bankruptcy, surplus assets of companies, dividends generally, army and navy prize money; but as the legation rarely, if ever, receives any claims to such as these, I do not deem it necessary to furnish any particulars in reference to them. The same rules with regard to identification and full details as to right of claimant are absolutely indispensable to establish a claim.

With regard to wills, it may be well to state that, prior to the passing of the probate act, they were admitted to probate and filed in local courts, chiefly under the jurisdiction of the bishops, and vast numbers of old wills are still to be found at York, Chester, Lichfield, and other cathedral cities.

For this reason a search for wills admitted to probate more than thirty years ago is often attended with great difficulty. They are now proved in the district registries or at the principal registry of the probate division of the high court of justice. Copies of wills proved since 1858 in the district registries are sent up to the principal registry at Somerset House, London, where they are easy of access on the payment of a small fee, and copies of them may be obtained at a very reasonable cost.

In Scotland wills are registered at the commissaries' court for each county, and also in the commissaries' office in Edinburgh; in Ireland, at the different district registries and at the principal registry office at Dublin.

I append a memorandum issued by the authorities at Somerset House to assist those who are in search of wills and records of marriages and deaths.

From the foregoing report I trust it will be thoroughly understood (1) that the time of any one wishing to prosecute claims to an estate in Great Britain will be wasted by addressing the legation on the subject, and (2) that if those who happen to imagine, from some advertisement or for any other reason, that an estate is awaiting them in this country, wish to save themselves much unnecessary outlay and the pain of hope long deferred, they will address an inquiry upon the subject to any well-known and trustworthy solicitors, and not to any of the "agents" previously described, who, in England certainly, and I doubt not in our own country also, derive a large income from the fictitious lists which they publish of unclaimed property, and from the fees paid to them for the investigation of claims to estates which have no existence whatever.

I have, &c.,

HENRY WHITE.

CORRESPONDENCE WITH THE LEGATION OF GREAT BRITAIN AT WASHINGTON.

No. 149.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *June* 29, 1883. (Received June 30.)

SIR: I have the honor to transmit herewith copy of a report of a committee of the privy council of Canada on the subject of a projected cable connecting the Canadian Government telegraph system near

Victoria, Vancouver Island, and Point Angelos, Washington Territory, and to submit to you the request therein contained for permission to land the proposed cable in Washington Territory.

I have, &c.,

L. S. SACKVILLE-WEST.

[Inclosure.]

Report of a committee of the privy council for Canada, approved by the Governor-General June 13, 1883.

On a report dated June 8, 1883, from the minister of public works, submitting that it is proposed to lay a cable for the purpose of connecting the Canadian Government telegraph system near Victoria, Vancouver Island, and Point Angelos, Washington Territory, there to connect with the Puget Sound Telegraph Company's line to Seattle and the United States Government line to Cape Flattery:

The minister represents that an additional cable route would thus be provided between Vancouver Island and the mainland of British Columbia, and also with the United States and Eastern Canada.

The minister recommends that your excellency be moved to communicate with the Hon. Mr. Sackville-West, the British minister at Washington, and request him to seek the permission of the United States Government to land the proposed cable in Washington Territory.

The committee concur in the recommendation of the minister of public works and submit the same for your excellency's approval.

JOHN J. McGEE,
Clerk Privy Council, Canada.

No. 150.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, September 28, 1883.

SIR: Referring to your note of the 29th of June last, transmitting a copy of a report of the privy council of Canada, which report states—

That it is proposed to lay a cable for the purpose of connecting the Canadian Government telegraph system, Victoria, Vancouver Island, and Point Angelos, Washington Territory, there to connect with the Puget Sound Telegraph Company's line to Seattle and with the United States Government line to Cape Flattery—

and requesting the permission of this Government to land the proposed cable in Washington Territory, I have now the honor to state that the subject having received the consideration of the President, he perceives no objection to granting the privilege asked by the minister of public works of Canada and recommended by the privy council, on similar terms and conditions to those which have been required from all other foreign telegraph-cable companies to whom concessions of a like nature have been granted by this Government since 1875. In December of that year the President, in his annual message to Congress, after the subject had received mature executive consideration, submitted these conditions as the terms upon which he would consent to grant to foreign companies the privilege of landing cables on the shores of the United States until Congress should enact general laws in regard to such privilege, or the President should be otherwise directed by that body.

For your own information and that of the Canadian Government, I inclose a memorandum of the conditions referred to. I inclose also

a copy of a letter of the 10th of June last, addressed to the President, by Mr. Thomas T. Minor, president of the Puget Sound Telegraph Company, in which that gentleman states that his company has "repeatedly requested permission from the authorities both of British Columbia and the Dominion of Canada to lay a cable to Vancouver Island and open a telegraph office in Victoria, British Columbia," but that in every such case the requests have remained entirely unheeded or the permission has been refused.

Before granting the request of the privy council to land the cable now in question, the President feels it his duty to require assurances from the Canadian Government that the privilege asked by the Puget Sound Company to land a cable on Vancouver Island and open a telegraph office in Victoria, British Columbia, will, on proper application, and subject, if deemed essential by the Dominion Government, to similar conditions to those imposed by this Government, be given to the company which Mr. Minor represents.

Upon receiving such assurances, together with the formal acceptance by the minister of public works of Canada of the conditions presented in the inclosed memorandum, the request embodied in your note will be promptly complied with by this Government.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1.—Extract from President's annual message of December, 1875.]

The electric telegraph has become an essential and indispensable agent in the transmission of business and social messages. Its operation on land, and within the limit of particular States, is necessarily under the control of the jurisdiction within which it operates. These lines on the high seas, however, are not subject to the particular control of any one Government.

In 1869 a concession was granted by the French Government to a company which proposed to lay a cable from the shores of France to the United States. At that time there was a telegraphic connection between the United States and the continent of Europe (through the possessions of Great Britain at either end of the line), under the control of an association which had, at large outlay of capital and at great risk, demonstrated the practicability of maintaining such means of communication. The cost of correspondence by this agency was great, possibly not too large at the time for a proper remuneration for so hazardous and so costly an enterprise. It was, however, a heavy charge upon a means of communication which the progress in the social and commercial intercourse of the world found to be a necessity, and the obtaining of this French concession showed that other capital than that already invested was ready to enter into competition, with assurance of adequate return for their outlay. Impressed with the conviction that the interests, not only of the United States, but of the world at large, demanded, or would demand, the multiplication of such means of communication between separated continents, I was desirous that the proposed connection should be made; but certain provisions of this concession were deemed by me to be objectionable, particularly one which gave for a long term of years the exclusive right of telegraphic communication by submarine cable between the shores of France and the United States. I could not concede that any power should claim the right to land a cable on the shores of the United States and at the same time deny to the United States, or to its citizens or grantees, an equal right to land a cable on its shores.

The right to control the conditions for the laying of a cable within the jurisdictional waters of the United States, to connect our shores with those of any foreign state, pertains exclusively to the Government of the United States, under such limitations and conditions as Congress may impose. In the absence of legislation by Congress, I was unwilling, on the one hand, to yield to a foreign state the right to say that its grantees might land on our shores, while it denied a similar right to our people to land on its shores; and, on the other hand, I was reluctant to deny to the great interests of the world and of civilization the facilities of such communication as were proposed. I therefore withheld any resistance to the landing of the cable, on condition that the offensive monopoly feature of the concession be abandoned,

and that the right of any cable which may be established by authority of this Government to land upon French territory, and to connect with French land lines, and enjoy all the necessary facilities or privileges incident to the use thereof upon as favorable terms as any other company, be conceded. As the result thereof the company in question renounced the exclusive privilege, and the representative of France was informed that, understanding this relinquishment to be construed as granting the entire reciprocity and equal facilities which had been demanded, the opposition to the landing of the cable was withdrawn. The cable, under this French concession, was landed in the month of July, 1869, and has been an efficient and valuable agent of communication between this country and the other continent. It soon passed under the control, however, of those who had the management of the cable connecting Great Britain with this continent, and thus whatever benefit to the public might have ensued from competition between the two lines was lost, leaving only the greater facilities of an additional line, and the additional security in case of accident to one of them. But these increased facilities and this additional security, together with the control of the combined capital of the two companies, gave also greater power to prevent the future construction of other lines, and to limit the control of telegraphic communication between the two continents to those possessing the lines already laid. Within a few months past a cable has been laid, known as the United States Direct Cable Company, connecting the United States directly with Great Britain. As soon as this cable was reported to be laid and in working order, the rates of the then existing consolidated companies were greatly reduced. Soon, however, a break was announced in this new cable, and immediately the rates of the other line, which had been reduced, were again raised. This cable being now repaired, the rates appear not to be reduced by either line from those formerly charged by the consolidated companies.

There is reason to believe that large amounts of capital, both at home and abroad, are ready to seek profitable investment in the advancement of this useful and most civilizing means of intercourse and correspondence. They await, however, the assurance of the means and conditions on which they may safely be made tributary to the general good.

As these cable-telegraph lines connect separate states, there are questions as to their organization and control, which probably can be best, if not solely, settled by conventions between the respective states. In the absence, however, of international conventions on the subject, municipal legislation may secure many points which appear to me important, if not indispensable, for the protection of the public against the extortions which may result from a monopoly of the right of operating cable telegrams, or from a combination between several lines:

I. No line should be allowed to land on the shores of the United States, under the concession from another power, which does not admit the right of any other line or lines, formed in the United States, to land and freely connect with and operate through its land lines.

II. No line should be allowed to land on the shores of the United States which is not by treaty stipulation with the Government from whose shores it proceeds, or by prohibition in its charter, or otherwise, to the satisfaction of this Government, prohibited from consolidating or amalgamating with any other cable-telegraph line, or combining therewith for the purpose of regulating and maintaining the cost of telegraphing.

III. All lines should be bound to give precedence in the transmission of the official messages of the Governments of the two countries between which it may be laid.

IV. A power should be reserved to the two Governments, either conjointly or to each, as regards the messages dispatched from its shores, to fix a limit to the charges to be demanded for the transmission of messages.

I present this subject to the earnest consideration of Congress.

In the mean time, and unless Congress otherwise direct, I shall not oppose the landing of any telegraphic cable which complies with and assents to the points above enumerated, but will feel it my duty to prevent the landing of any which does not conform to the first and second points as stated, and which will not stipulate to concede to this Government the precedence in the transmission of its official messages, and will not enter into a satisfactory arrangement with regard to its charges.

[Inclosure 2.]

Mr. Minor to the President.

SEATTLE, WASH., *June* 10, 1883. (Received July 5.)

SIR: The Legislature of the Dominion of Canada having made an appropriation for the purchase and laying of a telegraph cable from Vancouver Island, British Columbia, across the Straits of San Juan de Fuca to Point Angelos, in Washington

Territory, I have the honor respectfully to urge that permission be not accorded to the Dominion Government to land said cable in the United States until similar rights and privileges be accorded by that Government to American citizens to lay telegraph cables and open telegraph offices in British Columbia.

The Puget Sound Telegraph Company, which I have the honor to represent, has repeatedly requested permission from the authorities both of British Columbia and the Dominion of Canada to lay a cable to Vancouver Island and open a telegraph office in Victoria, British Columbia. These reasonable requests have in every case been entirely unheeded, or the permission sought has been refused.

The rights they claim from us should also be accorded by them to our citizens.

I am, &c.,

THOMAS T. MINOR,
President Puget Sound Telegraph Company.

No. 151.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *November* 23, 1883. (Received November 27.)

SIR: I have the honor to inform you that Her Majesty's Government has been informed by the acting British agent at Zanzibar of the capture of a slave dhow with one hundred and forty-nine slaves on board, by the King of Johanna, whose loyal action in this affair is much praised.

King Abdallah states that he had examined the owner and captain of the dhow, who affirmed that he had brought the slaves for Dr. Wilson, an American citizen owning an estate called "Patsy" in Zanzibar.

The slaves captured and freed were mostly Maknas, shipped by a slave-dealer residing at Angona, on the Mozambique coast.

I inclose herewith a printed copy of the statement taken by King Johanna, and Earl Granville has, in consequence, requested me to bring to your notice the conduct of Dr. Wilson.

Feeling assured that you will cause strict inquiry to be made into the truth of these assertions,

I have, &c.,

L. S. SACKVILLE-WEST.

P. S.—I should feel obliged if you would kindly return the statement herewith inclosed.

S.-W.

No. 152.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *November* 30, 1883. (Received December 1.)

SIR: I have the honor to inform you that the attention of Earl Granville has been called to the following circumstances, whereby the expenses of the burial of a seaman who had been discharged from the United States Navy, and who died in a destitute state in the general hospital at Yokohama, on the 23d May last, were defrayed out of the British consular chest. It would appear that Her Majesty's consul having found among the papers belonging to the deceased a continuous-service certificate issued under the United States Navy regulations, he suggested to the hospital authorities that they should apply to the

United States consul-general as to whether the holding of such a certificate did not fix the holder with American citizenship. To this application General Van Buren replied in the negative, adding that he had no authority to relieve United States men-of-war's men when discharged, even in cases where their United States citizenship was beyond doubt.

The question was then referred to the United States naval authorities, their reply being that once a continuous-service certificate lapses the holder loses all claim to assistance. Her Majesty's consul, in reporting this case, points out that the claim for the payment of burial fees may have been more fairly made on the British than on the United States authorities, inasmuch as the deceased was a native of Ireland; but in view of the numerous instances of seamen of British nationality serving on board United States ships of war, some of whom have retained their nationality while others may have accepted United States citizenship, Her Majesty's Government would be glad to learn how the United States regard the question, and Earl Granville has consequently instructed me to invite the expression of their opinion on the subject.

I have, &c.,

L. S. SACKVILLE-WEST.

No. 153.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *December* 12, 1883. (Received December 13.)

SIR: I have the honor to forward herewith a proposal, embodied in a copy of an approved report of a committee of the privy council of Canada, having in view the removal of certain Sioux Indians, a remnant of the band of the American chief Sitting Bull, from the Northwest Territories back to the United States, to which removal the Indians are willing to submit on receiving a guarantee that they shall not be punished for any offenses which they may have committed in American territory. In submitting this proposal to me for the consideration of the United States Government, the Marquis of Lansdowne has requested me to ascertain the views of the United States authorities in regard to the suggested removal and the terms proposed.

I have, &c.,

L. S SACKVILLE-WEST.

Certified copy of a report of a committee of the honorable the privy council for Canada, approved by his excellency the Governor-General in council on the 4th day of December, 1883.

On a report dated 23d November, 1883, from the superintendent-general of Indian affairs, stating that the Indian commissioner for Manitoba and the Northwest Territories, in a communication dated 3d November instant, represented that the Sioux Indians encamped at or near Wood Mountain, in the Northwest Territories (a remnant numbering 600 of the band of the American chief Sitting Bull), who fled to this country after the massacre of General Custer and his command, and who returned to the United States in the summer of 1881, have intimated their willingness to return also to the United States provided a guarantee be given them that they will be treated as the other members of Sitting Bull's band were treated on their return to that coun-

try, and that they will not be punished for any offenses they may have committed in American Territory.

The minister recommends that your excellency be moved to ascertain whether the United States Government will receive the Indians referred to back on the terms proposed by them.

The minister further recommends, should a satisfactory reply be received from the United States authorities, that authority be given to the Indian commissioner for the Northwest Territories to treat with these Indians with a view to their early return to the United States.

The committee concur in the foregoing recommendations, and they respectfully submit the same for your excellency's approval.

JOHN J. McGEE,
Clerk Privy Council Canada.

No. 154.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *December* 13, 1883. (Received December 14.)

SIR: I have the honor to inform you that Her Majesty's Government has received information that the Egyptian Government is about to address a circular to the powers parties to the system of mixed tribunals in Egypt proposing the prolongation of those tribunals for a further period of five years, and that I am instructed by Earl Granville to state to you that Her Majesty's Government are ready to assent to the proposal on the same condition as on the occasion of the last prolongation of the tribunals, viz, subject to the immediate application of such reforms as the powers may in the mean time agree upon.

I have, &c.,

L. S. SACKVILLE-WEST.

No. 155.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, December 17, 1883.

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, in which you state that Her Majesty's Government has received information that the Egyptian Government is about to address a circular to the powers parties to the system of mixed tribunals in Egypt proposing the prolongation of those tribunals for the further period of five years, and that you are instructed by Lord Granville to say that your Government is ready to assent to the proposal on the same condition as on the occasion of the last prolongation of the tribunals, viz, subject to the immediate application of such reforms as the powers may in the mean time agree upon.

Thanking you for the above information, I have to say in reply that when the Khedive's Government makes the proposal this Government will probably be prepared to instruct its agent at Cairo in much the same sense as on the previous occasions.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 156.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, December 26, 1883.

SIR: Acknowledging the receipt of your note of the 12th instant, communicating a proposal in regard to the removal of a remnant of Sitting Bull's band from Canadian territory to the United States, I have the honor to inform you that the matter is receiving the consideration of this Government.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 157.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *January* 2, 1884. (Received January 4.)

SIR: With reference to your note of the 28th of September last, I have the honor to inclose herewith copy of an approved report of a committee of the privy council of Canada, setting forth the views of the Government on the subject of the landing of a proposed cable in Washington Territory.

I have, &c.,

L. S. SACKVILLE-WEST.

[Inclosure.]

Report of a committee of the privy council, approved by the Governor-General in council on the 21st of December, 1883.

The committee of the privy council have had under consideration a dispatch dated 6th of October, 1883, from Her Majesty's minister at Washington, transmitting a note, dated September 28 last, and inclosures, from the Hon. Mr. Frelinghuysen, with respect to the application of the Canadian Government for the laying of a cable to connect the Canadian telegraphic system with the Puget Sound Telegraph Company's lines to Seattle and the United States Government line to Cape Flattery.

The minister of public works, to whom the dispatch in question and inclosures were referred, reports that this permission was not desired with a view of establishing a telegraph station within American territory, nor with the intention of entering into competition with either the United States Government or the Puget Sound Telegraph Company.

The minister observes that among the inclosures is a letter from Dr. Minor, president of the Puget Sound Telegraph Company, urging upon the United States Government to refuse this permission, and stating that similar privileges requested from the Canadian Government had not been accorded to his company.

The minister represents that the privileges asked by Dr. Minor were not only to land cables on the shores of British Columbia, and then connect with established lines, but also to open an independent station at Victoria, and then to enter into competition with the Canadian Government system of telegraphy via the New Westminster and the boundary-line route to the same town of Seattle.

The minister further reports that all other conditions submitted by the United States Government with a view to granting this permission are unobjectionable, and he recommends that the fact be brought to the consideration of the honorable the Secretary of State for the United States that any company or person can, upon proper application, subject, of course, to such rules and regulations as may be necessary to

prevent competition for telegraph business within the province of British Columbia, obtain permission from the Canadian Government to land cables on its shores and there connect with their established lines.

The committee concur in the report of the minister of public works, and they respectfully advise that your excellency be moved to transmit a copy of this minute, when approved, to Her Majesty's minister at Washington, for the consideration of the United States Government.

JOHN J. McGEE,
Clerk, Queen's Privy Council for Canada.

No. 158.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, January 8, 1884.

SIR: With further reference to the proposed prolongation for an additional term of five years of the system of mixed tribunals in Egypt, which was the subject of your note of December 13 last, I have now the honor to acquaint you that this Government has duly received the circular communication of the Egyptian Government alluded to, in which the foregoing proposition was embodied, and has deemed it advisable to assent thereto.

Instructions have accordingly been dispatched that this conclusion be forthwith signified to the Khedival Government.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 159.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, January 9, 1884.

SIR: I have the honor to acknowledge the receipt of your note of the 23d of November, in relation to the capture in April last, by the King of Johanna, of a slave dhow with a large number of slaves on board, which the master of the vessel was in the act of delivering to one Dr. Wilson, the owner of an estate called "Patsy" in Zanzibar, and which the master of the dhow stated had been bought for Dr. Wilson, who is alleged to be a citizen of the United States.

From whatever standpoint the matter may be viewed, the conduct of the King of Johanna appears to have been praiseworthy and humane.

It is the settled policy of this Government to discountenance in every way that it properly can any connection of citizens of the United States with the holding of slaves or the traffic in them. When, however, American citizens place themselves outside of the jurisdiction of their country and its laws a difficulty arises in attempting to deal with them.

I have instructed the United States consul at Zanzibar to institute inquiries in relation to Dr. Wilson's American citizenship, and also as to his connection with the traffic in slaves or with the system of slavery in any of its forms. When the consul's report shall have been received I

will lay it before the President, who will no doubt direct such action to be taken as the facts may warrant.

I return the printed statement inclosed in your note, in pursuance of your request.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 160.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, January 10, 1884.

SIR: With reference to previous correspondence, I have the honor to acknowledge the receipt of your note of the 2d instant, in regard to the application of the Canadian Telegraph Company to land a cable in Washington Territory, and to inform you that the matter is receiving the consideration of this Government.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 161.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, February 13, 1884.

SIR: With reference to my reply of the 10th ultimo to your note of the 2d of that month, concerning the application of the Canadian authorities to land a telegraph cable in Washington Territory, I now have the honor to inform you that it appears, from inquiries which this Government has made in reference to the matter, that the granting of the desired permission would make the Canadian line a competing one with the Puget Sound Telegraph Company's line, and would place the latter company at a disadvantage unless it should not only be permitted to land a cable at Victoria, but to establish local offices in the Dominion for the reception of business there.

Under these circumstances, therefore, the President adheres to the requirements set forth in my note to you of the 28th of September last.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 162.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, February 16, 1884.

SIR: Referring to previous correspondence in regard to the application of the Canadian authorities to land a cable "for the purpose of connecting the Canadian Government telegraph system near Victoria,

Vancouver Island, and Point Angelos, Washington Territory, there to connect with the Puget Sound Telegraph Company's line to Seattle and with the United States Government line to Cape Flattery," I have now the honor, in further reply to your note of the 2d of January last on that subject, to note the observation of the committee of the Dominion privy council in the copy of the minute of that body which you inclose with your note, in which the committee say:

> That any company or person can, upon proper application, subject, of course, to such rules and regulations as may be necessary to prevent competition for telegraph business within the province of British Columbia, obtain permission from the Canadian Government to land cables on its shores and there connect with their established lines.

Am I correct in assuming from the passage I have quoted that the Dominion Government owns and controls the "Canadian telegraph system," including the line which is the subject of the present application? If that line is owned and controlled by private individuals or by a private corporation, there might be danger that, after the Puget Sound Company had connected with the Canadian line in British Columbia, such obstacles might be thrown in its way, in the legitimate prosecution of its business, as to render the connection useless, or at least detrimental or disadvantageous, to the Puget Sound Company.

The Dominion Government say, in the minutes of the privy council, that "all other conditions [except that regarding the Puget Sound Company] submitted by the United States Government are unobjectionable." If this Government can receive through you from the Dominion Government assurances that the Puget Sound Company, upon connecting with the Canadian line on the shores of British Columbia, will be afforded equal advantages, privileges, and facilities in the transaction of its own proper business and the prompt and regular transmission of its messages with those accorded to or possessed by the managers of the Canadian line in British Columbia, or with those which may be granted to any other connecting cable, the President directs me to say that the privilege now asked by the Canadian authorities to land their cable on the shores of the United States in Washington Territory will be at once accorded to the Dominion Government, in accordance with my note of the 28th of September last.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 163.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, February 18, 1884.

SIR: With reference to my reply of the 20th of December last to your note of the 12th of that month, with reference to the removal of the remnant of Sitting Bull's band of Sioux Indians from Canada back to the United States, I now have the honor to inform you that no action looking to the return of these Indians to this country can be taken by the Interior Department until an appropriation shall have been made by Congress, there being no fund at present available for their care and support. In view of this fact, my colleague the Secretary of the Interior has submitted the subject to the proper committee of Con-

gress, and has asked for an appropriation to enable him to take charge of the Indians in question in case satisfactory arrangements can be made for their return, provided that in no event shall this Government be required to receive them till the spring opens.

Adding that should Congress take favorable action in reference to the appropriation which has been asked for, this Government will be prepared at the proper time to receive the remnant of Sitting Bull's band, and to give them a guarantee of indemnity for passed offenses in case they agree to return to this country and behave themselves,

I have, &c.,

FRED'K. T. FRELINGHUYSEN.

No. 164.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, April 7, 1884.

SIR: With reference to your note of the 30th of November last, in which you refer to the case of a seaman of British nativity who died at Yokohama, Japan, in May, 1883, having in his possession a continuous-service certificate of the United States Navy, and request the views of this Department as to whether seamen of British nativity discharged from United States naval vessels and in a destitute condition in foreign ports should be relieved by the American Government or that of Great Britain, in reply I have the honor to inform you that upon the receipt of your note the attention of the American consul at Yokohama was called to the matter. A report has now been received from him, from which it appears that John Devany, the seaman in question, was discharged from the naval service of the United States in February, 1880, more than three years prior to the date of his death, which occurred on the 23d of May, 1883. The mere fact that this man had at one time served in the American Navy would not seem to place this Government under obligations to defray his funeral expenses, upon his death, years afterwards, even had he been an American citizen. The continuous-service certificate found in the possession of this man cannot be regarded as creating any such obligation, as such certificates are issued to enlisted men in the United States Navy entitled to an honorable discharge, and are intended to encourage good men to continue in the service by enabling them to re-enlist with increased pay, and to secure other benefits accruing after a period of continuous service.

With regard to the general subject, a seaman enlisting in the American Navy within the geographical limits of the United States is entitled, upon the expiration of the term of his enlistment, to be returned to a port upon the Atlantic or Pacific coast, according to circumstances, or may, at his option, receive his discharge at a foreign port, unless the public interests require that he shall be temporarily retained in the service. When his enlistment occurs without the limits referred to, he has no option as to the place of discharge, but may, in the discretion of the proper commanding officer, be discharged at a foreign port or temporarily retained in the service. If, in the case of enlistment in the United States, the seaman elects to be discharged at a foreign port, he thereby waives the right of transportation to the United States. Under those regula-

tions it is not probable that cases of the discharge of seamen from American naval vessels in foreign ports in a destitute condition will often occur.

As to the case under consideration, it would seem that the moral obligations to defray the expenses of the burial of the deceased attach rather to the representative of the Government of which he had always been a subject than to that of the Government to which he had only rendered temporary service, for which he had received due compensation.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 165.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *May* 1, 1884. (Received May 2.)

SIR: I have the honor to transmit to you herewith a certified copy of a report by the committee of the privy council of Canada, with a copy of a dispatch from the lieutenant-governor of British Columbia, inclosing a report by the attorney-general of that Province, which I have received from the Marquis of Lansdowne.

These papers have reference to a case of lynching which has recently occurred at Sumass, in British Columbia.

It will be seen from the report of the lieutenant-governor that the Indian prisoner, Lem Tam, who was the victim of this outrage, was forcibly rescued from the officers of the law and put to death under circumstances of great atrocity, and that the persons by whom this outrage was committed are believed to have entered the territory of British Columbia from the United States.

The Marquis of Lansdowne has therefore requested me to bring this case to the notice of the United States Government, in the hope that measures may be taken for the punishment of the criminals, should it be ascertained that they entered British Columbia from the United States.

The Marquis of Lansdowne at the same time expresses his satisfaction at the readiness manifested by the governor of Washington Territory to co-operate cordially with the executive of the Province of British Columbia in endeavoring to bring them to justice.

I have, &c.,

L. S. SACKVILLE-WEST.

Certified copy of a report of a committee of the honorable the privy council, approved by his excellency the Governor-General in council on the 3d April, 1884.

On a report dated 27th March, 1884, from the minister of justice, stating that he has had before him a dispatch, dated 7th March instant, from the lieutenant-governor of British Columbia, representing that an outrage was committed at Sumass, in New Westminster district, British Columbia, by persons presumably from the United States of America, taking an Indian prisoner named Lem Tam from lawful custody and hanging him.

The minister recommends that copies of the dispatch, and of the report of the attor-

ney-general of British Columbia attached thereto, be transmitted to the British minister at Washington.

The committee respectfully advise that your excellency be moved to transmit the papers above referred to to Her Majesty's minister at Washington accordingly.

JOHN J. McGEE,
Clerk Queen's Privy Council for Canada.

ATTORNEY-GENERAL'S OFFICE,
Victoria, British Columbia, March 6, 1884.

May it please your honor, I have the honor to report to your honor:

(1) That on the 27th February ultimo, William M. Campbell, of Upper Sumass, New Westminster district, British Columbia, one of Her Majesty's justices of the peace, issued a warrant for the arrest of one Louie Tam, a British Columbian Indian, charged by Robert C. Beckenridge, an American citizen from Nooksachk, Washington Territory, with murdering one James Bell on the 24th February ultimo, at Nooksachk, Washington Territory.

(2) That the Indian Louie Tam was duly arrested and placed by Mr. Campbell in the custody of two special constables, to be conveyed by them to New Westminster for safe-keeping.

(3) That on the night of the 27th February ultimo, while the prisoner so in custody of the law was at York's, British Columbia, a body of armed men (about sixty in number) wrested him from the constables and carried him away.

(4) That on the morning of the 28th February ultimo the body of the prisoner was found hanging from a tree, with a rope around his neck.

(5) That at an inquest held on the body on the 1st of March instant, the coroner's jury returned the following verdict: "That Louie Tam, an Indian, being a prisoner in the hands of special constables at Sumass, in the Province of British Columbia, was, on the night of the 27th day of February, 1884, forcibly taken from the said special constables by a party of men supposed to be from the United States territory, and by them taken and hanged by the neck until he was dead, upon a tree about 500 feet north of the boundary line between British Columbia and the United States of America, on the telegraph line, being within the territory of the Province of British Columbia."

I have, &c.,

ALEX. E. B. DAVIE,
Attorney-General.

GOVERNMENT HOUSE, VICTORIA, *March* 7, 1884.

SIR: On the 2d instant I had the honor of telegraphing to you to the effect that on the night of the 27th ultimo a body of men from the neighboring Washington Territory of the United States had crossed the boundary line between that country and British Columbia, and at a place called "York's," at Sumass, in New Westminster district, had taken from the custody of the law an Indian named Lem Tam, who was charged with the murder of one James Bell, at Nooksachk, Wash., and had assassinated him by hanging.

I have allowed a few days to elapse before writing on the subject, in the hope of having some definite information to forward as to the identity of some of those who committed this unparalleled outrage, but I regret to say that up to the present time we have been unable, with our best endeavors, to fasten the crime on any one or any number of persons.

Immediately on the receipt of the first intelligence of what had occurred, the superintendent of police was dispatched to Sumass, and under his direction an inquest was held on the body of the Indian, when the following verdict was found: "That Louie Tam, an Indian, being a prisoner in the hands of special constables at Sumass, in the Province of British Columbia, was, on the night of the 27th day of February, 1884, forcibly taken from the said special constables by a party of men supposed to be from the United States territory, and by them taken and hanged by the neck until he was dead, upon a tree about 500 feet north of the boundary line between British Columbia and the United States of America, on the telegraph line, being within the Province of British Columbia."

I regret to learn that there was an evident disinclination on the part of the jury to fix the guilt of the act committed on any parties, and that they even insist in their verdict that the party of men were "*supposed* to be from the United States territory," when there could apparently be no doubt as to whence they came.

A report is current that it is now thought that the unfortunate Indian had nothing

to do with the murder of Bell, but that the man from Washington Territory who first tried to fix the guilt upon him was himself implicated; and, further, that Robert C. Beckenridge, who laid the information against the Indian, was the person who headed the mob that subsequently seized and hung him.

I inclose herewith a copy of the report of my attorney-general to myself on the subject. Immediately that the fact of the committal of the outrage became known to me, I caused the governor of Washington Territory, Mr. Newell, to be communicated with, and also the prosecuting attorney for the district from which the body of men came. Both gentlemen at once expressed their readiness to do what they could towards the investigation of the matter, and promised that their police should assist in every way, but I have but little hope of being able to bring it home to any persons.

The men engaged in the outrage were all disguised and the deed was done at night. A case of "lynching" has never before occurred in British Columbia. The people have always felt that justice should follow the usual course, and the fact is that justice has always been promptly and fairly dealt out to those charged with crime. It is therefore not to be wondered at that there is popular indignation felt and expressed at what has occurred, and although in one sense it is satisfactory to feel that the outrage was not committed by British subjects, yet, on the other hand, it is intolerable that foreigners should have dared to cross the boundary to commit it, and that the probability is that the offenders will escape punishment.

I shall not fail to exert all efforts to obtain further evidence and information, and while I do not presume to offer any observations as to the course to be pursued by the Government of the Dominion, yet I may express my confidence that that Government will pay all due attention to so grave a matter, and make such representations upon it to the Government of the United States as the circumstances of the case require.

I have, &c.,

CLEMENT F. CORNWALL,
Lieut.-Governor.

No. 166.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, May 8, 1884.

SIR: Acknowledging the receipt of your note of the 1st instant, in relation to a case of lynching in British Columbia alleged to have been committed by American citizens from Washington Territory, I have the honor to inform you that the matter is receiving the attention of the Government.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 167.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, May 21, 1884.

SIR: I have the honor to inclose herewith, with a view to its being brought by you to the attention of the Governor-General of Canada, a copy of a letter recently received by this Department from Mr. Henry McMorran, general manager of the Port Huron and Northwestern Railway, in relation to a ferry privilege granted in August of last year by the municipal authorities of Sarnia, Canada, to Mr. James Lockhead, conferring on him the exclusive ferry privileges for twenty-seven years between that town and Port Huron, on the opposite American shore.

It seems, further, from the statements of Mr. McMorran's letter, that the right to grant such exclusive privilege is claimed by Sarnia under a provision in the charter granted twenty-three years ago; and by the local by-laws and municipal regulations of Port Sarnia, it seems also that heavy penalties and personal arrest and imprisonment are demanded against vessels and masters of such vessels, other than British, entering that port without going through the formalities of custom-house entry and clearance.

By the existence of the exclusive privilege referred to, and the enforcement of these municipal regulations, ferry-boats owned by American citizens at Port Huron are excluded from the privilege of plying between that port and Port Sarnia. While it is not doubted that the municipal authorities of Port Sarnia, or the Dominion or provincial government, may grant such a privilege to any subject of Her Majesty in Ontario or any other part of the British North American possessions, excluding all other citizens of the Province of Ontario or the Dominion of Canada, it is conceived that the application of the rule to citizens of the United States is in contravention of the spirit and letter of the treaties on the subject between the two nations from 1783 down to that of 1842, in all of which the navigation of the waters forming the boundary line between the United States and Her Majesty's North American possessions, by the vessels of both countries, is contemplated and provided for on an entirely free and equal footing.

Ferry-boats on these waters must, of course, comply with such regulations as may be properly made by the local municipal authorities of the adjacent neighboring cities or towns on each side of the boundary between which they ply; but these regulations, it is contended by this Government, should be common to the boats of the United States and Canada. Any other view than this of the existing treaty stipulations would, it is believed, lead to practices which could not be otherwise looked upon than as an obstruction to commerce. I need not observe to you that in case the municipal authorities of Port Huron, under such power as it might be vested with by the legislature of Michigan, should adopt a similar course to that inaugurated by the authorities of Port Sarnia, it could only result in giving rise to a state of unfriendly and unneighborly feeling between the two municipalities, which both this Government and that of Her Majesty entertain a common and earnest desire to obviate at all times. I deem it entirely unnecessary to enter into any extended discussion of the subject, believing, as I do, that this simple suggestion of the matter to the Governor-General, through you, will secure the adoption of such measures as will remedy the existing evil and remove the cause of complaint now presented on the part of the Port Huron municipality.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. McMorran to Mr. Frelinghuysen.

PORT HURON, MICH., *April* 21, 1884.

DEAR SIR: A controversy has arisen at this point in relation to a ferry franchise between this city and the village of Sarnia, on the opposite shore, in the Dominion of Canada, by the village of Sarnia granting to a man named James Lockhead the exclusive right to ferry between that village and this city for a period of twenty-seven

years from August, 1883, under a special act granted to that village by the Governor-General of the Province of Canada some twenty-three years ago. We have four boats engaged in the ferry business, and is the only ferry line that has existed continually between the two points for the last thirty years. We desire to know whether the village of Sarnia has the power to grant an exclusive franchise of this nature, thereby shutting off our boats from landing on that side, without conflicting with some of the international treaties in existence. I understand that our United States statutes allow ferry-boats to land here without clearing and reporting, which would give them free access to our side, while our boats are shut out from landing on their side by their local by-law, which provides for the arrest of the officer of any boat landing on that side except boats controlled by this Lockhead, and fining them, in the discretion of their village magistrate, from $20 to $50 for each landing, which is prohibitory to our boats. Any information you can give me will be duly appreciated.

I am, &c.,

HENRY McMORRAN.

No. 168.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *May* 24, 1884. (Received May 26.)

SIR: I have the honor to acknowledge the receipt of your note of the 21st instant, inclosing copy of a letter from Mr. Henry McMorran relative to certain ferry privileges granted by the municipal authorities of Sarnia to Mr. James Lockhead, and to inform you that I have brought the matter to the attention of the Governor-General of Canada.

I have, &c.,

L. S. SACKVILLE-WEST.

No. 169.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, June 5, 1884.

SIR: With reference to my reply of the 8th ultimo to your note of the 1st of that month, in relation to the case of the Indian prisoner Lem Tam, I now have the honor to inclose herewith a copy of a report from the governor of Washington Territory in relation to the matter, which I have received through the Secretary of the Interior.

Adding that I am advised by the Attorney-General that the officers of the Department of Justice are engaged in investigating the subject,

I have, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Teller to Mr. Frelinghuysen.

DEPARTMENT OF THE INTERIOR,
Washington, June 2, 1884. (Received June 3.)

SIR: Referring to your communication of the 8th ultimo, transmitting a copy of a note from the British minister at this capital in relation to a case of lynching in Brit-

ish Columbia alleged to have been committed by American citizens from Washington Territory, I have the honor to inclose herewith a copy of a report from the governor of Washington Territory relative to the subject.

Very respectfully, &c.,

H. M. TELLER.

EXECUTIVE DEPARTMENT, WASHINGTON TERRITORY, *May* 21, 1884,

Hon. HENRY M. TELLER,
Secretary of the Interior:

SIR: I have the honor to acknowledge the receipt of your communication dated May 9, 1884, with accompanying papers, concerning the lynching of "Indian Jack" in British Columbia, and beg leave to submit the following correspondence which was held immediately thereafter:

[Telegram.]

VICTORIA, BRITISH COLUMBIA, *February* 28.

Governor NEWELL:

Indian Jack, supposed murderer of Bell at Nooksachk, Washington Territory, was lynched last night by parties from Washington Territory. Names as yet unknown. Please instruct your police to watch for and arrest parties on their return. Pending our application for extradition, our governor will communicate with you as soon as is possible.

ALEXANDER E. DAVIS,
Attorney-General.

To which I replied:

OLYMPIA, W. T., *February* 29.

Hon. ALEXANDER E. DAVIS,
Attorney-General, British Columbia:

Notified Secretary of State, and requested Prosecutor Bradshaw to act immediately and vigorously.

WM. A. NEWELL,
Governor.

Hon. Mr. BRADSHAW,
Port Townsend, W. T.:

Attorney-general British Columbia telegraphs lynching of Indian Jack, asking arrest of lynchers. Please act immediately and vigorously.

WM. A. NEWELL,
Governor.

To which Mr. Bradshaw replied by letter:

PORT TOWNSEND, W. T., *March* 3, 1884.

Hon. WILLIAM A. NEWELL,
Governor Washington Territory:

SIR: I received your telegram on Saturday too late to write the attorney-general of British Columbia by the mail of that day, but have to-day expressed to him by letter, tendering him all the assistance I can render, by myself or the police authorities subordinate to me, to ferret out and bring to justice the persons offending or engaged in the late raid into British Columbia from or near Nooksachk, in Whatcom County.

Very respectfully, yours,

CHARLES M. BRADSHAW,
Prosecuting Attorney Third Judicial District.

I have had no further official communication from Mr. Bradshaw, but in a conversation he has informed me that he had used all means in his power to discover the perpetrators of the crime, without success.

Immediately upon the receipt of the telegram from the attorney-general of British Columbia, I sent a dispatch to the Secretary of State of the United States as follows:

EXECUTIVE DEPARTMENT WASHINGTON TERRITORY,
February 29, 1884.

I have the following telegram and assured best efforts. Notified prosecuting attorney to act vigorously. No money at hand for any expenses whatever.

WM. A. NEWELL,
Governor Washington Territory.

The telegram was accompanied by a copy of that from the attorney-general of British Columbia.

I corresponded with the State Department because I had been communicated with by that Department in a case of lynching of a British subject two years ago at Seattle.

This constitutes my entire action and knowledge of the case.

If any further prosecution is desired please give direction.

I am, &c.,

WM. A. NEWELL,
Governor.

No. 170.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *June* 12, 1884. (Received June 13.)

SIR: With reference to previous correspondence on the subject, I have the honor to inclose to you herewith a further approved report of a committee of the privy council of Canada in connection with the case of lynching in British Columbia, which the Marquis of Lansdowne has requested me to communicate to you.

I have, &c.,

L. S. SACKVILLE-WEST.

[Inclosure.]

Certified copy of a report of a committee of the honorable the privy council, approved by his excellency the Governor-General in council on the 2d June, 1884.

The committee of the privy council have had before them a memorandum dated 19th May, 1884, from the right honorable the superintendent general of Indian affairs, inclosing copies of communications, under date 21st March and 29th April last, from the Indian superintendent at Victoria, British Columbia (the original of which had gone astray *en route* from British Columbia), relative to the murder of an Indian boy of fifteen years of age, near Sumass, in British Columbia, by a mob from the American side of the boundary line.

The superintendent-general of Indian affairs observes that, under date 3d April last, your excellency was moved to transmit copies of a dispatch from the lieutenant-governor, and of a report of the attorney-general of British Columbia, upon this subject, to Her Majesty's minister at Washington, and he, the minister, recommends the transmission of the accompanying papers also in connection therewith.

The committee respectfully advise that your excellency be moved to transmit copies of the accompanying papers, bearing upon the subject above referred to, to Her Majesty's minister at Washington, to be submitted to the honorable the Secretary of State of the United States.

JOHN J. McGEE,
Clerk Privy Council, Canada.

[J. W. Powell, Indian superintendent, to the honorable the superintendent-general of Indian affairs, Ottawa.]

BRITISH COLUMBIA INDIAN OFFICE,
Victoria, April 29, 1884.

SIR: Referring to your letter of the 8th instant, No. 12061 advising me that my letter of the 21st ultimo, 223 L, has not been received at Ottawa, I have the honor to send herewith copy of my letter above mentioned, with accompanying inclosures.

I have, &c.,

J. W. POWELL.

BRITISH COLUMBIA INDIAN OFFICE,
Victoria, March 21, 1884.

SIR: I have the honor to inclose copy of a letter from Mr. Agent McTiernan, relative to an outrage committed on an Indian boy of fifteen years of age, near Sumass (within British territory), by a mob from the American side of the boundary line,

with a statement from the representatives of several Indian bands who had met in order to take some action in the matter.

It appears that a person named Bell was murdered by some party or parties unknown, near Nooksachk.

The Indian boy was arrested on suspicion, and, whilst in the hands of the constable at Sumass, was seized by an armed mob from the United States territory and summarily executed.

I considered it proper to bring the matter to the notice of the lieutenant-governor in council, and beg to forward a copy of my letter relating thereto to the provincial secretary.

Meantime, as it is important to show the Indians, who are not only deserving of sympathy but of redress for their painful grievance, I should be glad to have your further direction in the matter.

I have, &c.,

J. W. POWELL,
Indian Superintendent.

NEW WESTMINSTER, BRITISH COLUMBIA, *March* 14, 1884.

SIR: I have the honor to inclose you, by request of 127 Indians, the statement they made to me at a meeting they held at Squehalo on Monday and Tuesday last to consider the action of some Americans who came to Sumass and took an Indian boy named Lewey, fifteen years old, and lynched him. I had great trouble, for the time they were in council, to restrain them from going in a body across the boundary line to Nooksachk and taking the first white man they met and taking him to the spot where the Indian boy was hanged and treating him in the same manner.

The Indians were fully prepared for a start at any moment they got the word from their headmen.

I had been very lucky to be there in time to prevent them from going. There was a delegation from every band on the Fraser River from Yale to Langley at the meeing. They were burning with anger. They are positively under the impression that a white man named Heisterman, telegraph operator at Nooksachk, murdered Bell, and then organized a mob and led them across the Sumass to lynch the Indian boy, so as to screen his own guilt. I succeeded in sending them all back to their homes, promising them that Her Majesty's Government would look after the matter and would bring the parties to justice if they could possibly be found.

I hope you will be good enough to write me a letter on the subject that will be pleasing to them, which I may read to them at their next meeting, which will be early in May.

I have, &c.,

P. McTIERNAN,
Indian Agent.

CHILLIWHACK, BRITISH COLUMBIA, *March* 11, 1884.

We are very glad that you came to see us at this time. We wish to let you know the sickness of our hearts occasioned by the outrage committed on us by a mob of Americans who had come to Sumass and took an innocent Indian boy fifteen years of age and, without, five minutes' warning, lynched him to the next tree they met.

We want you to take the few words we have to say down on paper and send it to Superintendent Powell. He always has been our good friend. We know he will be grieved at what the white men have done to us. Because we are Indians they have done so.

We are all unanimous that we are fully justified in going immediately, in very large numbers, across the boundary line, and take the first white men we meet and bring them to the very spot where they hung the Indian and treat them in the same manner. We hope you will agree with our decision. There are a good many of our men here present who objected to letting you know anything about their intention until it was all over, but the majority of us decided to tell you everything and take your advice. We request that Dr. Powell will let the Government at Ottawa know how sick our hearts are.

From what you have just said to us last evening we feel some consolation, and we all promise you that we will go back to our homes and leave the matter at present in the hands of the Dominion Government.

We hope you will meet us again about the 1st of May.

SIR: The above is the statement made by the Indians to me, after two days' long speechifying among themselves on the lynching of Lewey.

P. McTIERNAN,
Indian Agent.

BRITISH COLUMBIA INDIAN OFFICE,
Victoria, March 21, 1884.

SIR: I have the honor to inclose copy of a letter from Mr. P. McTiernan, Indian agent at Fraser River, relative to the outrage committed by some white men who came across the boundary line to Sumass and forcibly took an Indian boy of this province, aged only fifteen years, from the custody of a constable and hung him, and also the statement of a number of chiefs, representatives from various tribes on the Fraser, who, by arrangement, had met to consider the best means of obtaining justice.

The Fraser River Indians are not only industrious and progressive, but have been a law-abiding people, and it is of great importance to show them that the Government will take vigorous measures to redress their grievances and punish wrong-doing,

If the impression they now have, that the boy who was sacrificed to a mob was innocent of the crime with which he was charged, be correct, the injury which has been inflicted upon them is all the more painful and deserving of the sympathy and attention of the authorities.

May I ask if you will have the goodness to bring this complaint to the notice of the lieutenant-governor in council, and to acquaint me in due course, for the information of the Indians, of the steps taken in regard to the same?

I have, &c.,

J. W. POWELL.

VICTORIA, BRITISH COLUMBIA, *March* 24, 1884.

SIR: I have the honor to acknowledge the receipt of yours of the 21st instant, and accompanying papers, referring to the recent lamentable outrage committed at Sumass presumably by a mob from the adjacent United States territory.

In reply I have to say that no time was lost by this Government in bringing the matter to the notice of the authorities at Ottawa, by whom, as you are doubtless aware, proceedings can alone be taken.

This Government is deeply impressed with the importance, from every point of view, of adopting energetic measures for the punishment of the perpetrators of that outrage, and I may be permitted to express the hope that you will, by making strong representations to the head of the Indian Department at Ottawa, assist in moving the Dominion Government to energetic action.

I have, &c.,

JOHN ROBSON,
Provincial Secretary.

No. 171.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *June* 25, 1884. (Received June 28.)

SIR: With reference to your note of the 16th of February last, I have the honor to inclose to you herewith copy of an approved report of a committee of the privy council of Canada, embodying a report by the minister of public works relating to the application of the Government of Canada to land a cable in Washington Territory, which has been forwarded to me by the Marquis of Lansdowne in reply to your above-mentioned note.

I have, &c.,

L. S. SACKVILLE-WEST.

[Inclosure.]

Report of a committee of the privy council, Canada, approved by the Governor-General in council on the 11th of June, 1884.

The committee of the privy council have had before them a dispatch, dated February 20, 1884, from Her Majesty's minister at Washington, inclosing a copy of a note from the Hon. Mr. Frelinghuysen, Secretary of State for the United States, in regard

to the application made, under the authority of an order in council of the 13th of June, 1883, by the Canadian Government, through Her Majesty's minister at Washington, for permission to land a cable upon the shores of Washington Territory to connect the Canadian Government telegraph system near Victoria, Vancouver's Island, with the telegraph station of the United States Government, or with the Puget Sound or other company's station, at or near Point Angelos, Washington Territory.

The minister of public works, to whom the dispatch and inclosure were referred, observes that the Hon. Mr. Frelinghuysen inquires whether the telegraph system in British Columbia is owned by the Government, as, if the line which is the subject of the application made by the Dominion was controlled by private individuals or by a private corporation, there might be danger that the proposed connections would, if effected, work detrimentally to the business of the Puget Sound Company.

The minister further observes that the Hon. Mr. Frelinghuysen, Secretary of State of the United States, states that if his Government can receive from the Dominion Government "assurances that the Puget Sound Company, upon connecting with the Canadian line on the shores of British Columbia, will be afforded equal advantages, privileges, and facilities in the transaction of its own proper business and the prompt and regular transmission of its messages with those accorded to or possessed by the managers of the Canadian line in British Columbia, or with those which may be granted to any other connecting cable," the privileges now asked by the Canadian authorities will be at once accorded.

The minister states that the telegraph system of British Columbia is owned and controlled by the Government of Canada; that the cable from Victoria to Washington Territory will be laid forthwith, and that should the United States Government, the Puget Sound or any other United States company desire to lay a submarine cable from American to Canadian territory, and there connect with the Government telegraph station at, for instance, Victoria, they shall, upon proper application, be free to do so; it being clearly understood, however, that the retransmission and distribution of all messages received through said cable or cables shall, within Canadian territory, be under the exclusive control and direction of the Canadian authorities; and, in like manner, that when the Canadian Government lay a cable between British Columbia and Washington Territory and there connect with the United States Government, the Puget Sound or other company's station at or near Point Angelos, the retransmission and distribution of all messages conveyed by said cable or cables shall, within American territory, be under the exclusive control and direction of the United States Government, the Puget Sound or other telegraph company; it being furthermore understood that both the Canadian and United States authorities shall, within their respective territories, have the option of forwarding all messages to or from British Columbia either via the Point Angelos or Point Grey cable routes.

The committee concur in the report of the minister of public works, and they recommend that your excellency be moved to transmit a copy of this minute, if approved, to Her Majesty's minister at Washington, for the information of the honorable the Secretary of State for the United States.

JOHN J. McGEE,
Clerk, Privy Council for Canada.

No. 172.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, July 8, 1884.

SIR: With reference to my note to you of the 21st of May last, in relation to certain ferry privileges granted by the municipal authorities to Mr. James Lockhead, I now have the honor to inclose herewith a copy of, a letter to this Department from Mr. Henry McMorran on the subject.

In recalling your attention to the subject,

I have, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. McMorran to Mr. Frelinghuysen.

PORT HURON, MICH., *July* 1, 1884.

DEAR SIR: I inclose you an order served on Captain Moffatt, of our ferry company, between this city and the village of Sarnia, in the Dominion of Canada, requiring us to change our present landing, where the present line of ferry-boats have landed for the last thirty-five years, and go to a private wharf, owned by one James S. Lockhead, who claims to have the exclusive franchise of ferrying between that village and this city, granted to him by the village authorities and conferred upon them by the Dominion of Canada. The Government also have a customs officer stationed at our present landing. This order imposes a heavy expense and annoyance to our ferry company, as well as the public. Is it not a very unusual proceeding for a Government to compel American boats to land at such private wharf as they may designate, in the interest of private individuals? Will you kindly give this matter your early attention and advise us as to our rights in the matter?

I am, &c.,

HENRY MCMORRAN.

Hon. FREDERICK T. FRELINGHUYSEN,
Secretary of State, Washington, D. C.

CUSTOMS DEPARTMENT, CANADA,
Collector's Office, Sarnia, June 28, 1884.

SIR: I beg to notify you that, in accordance with instructions received from the honorable minister of customs, you will be required, on and after the 1st of July proximo, to land your boats at the wharf owned by James S. Lockhead, Esq., where an officer will be detailed to attend upon them.

I am, &c.,

GEO. N. MATHESON.

No. 173.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, July 11, 1884.

SIR: Referring to your note of the 9th of October last, concerning the revision of the fishery treaty, and adverting to the language of the President's last annual message to Congress relative to appointing a Commission to consider the subject, I now have the honor to inform you that Congress has adjourned without reaching any action on the President's recommendation. In such an important international question, in which Congress has intervened at every stage hitherto, it is deemed best to defer definite action on the British proposal until December.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 174.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *July* 12, 1884. (Received July 14.)

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, and to inform you that I have duly notified to Her Majes-

ty's Government that it is deemed best not to take any definite action with regard to the fisheries articles of the treaty of Washington until December next.

I have, &c.,

L. S. SACKVILLE-WEST.

No. 175.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, July 17, 1884.

SIR: With reference to previous correspondence concerning the alleged lynching of an Indian in British Columbia by American citizens, I now have the honor to inclose herewith, for your information, a copy of a letter in relation to the matter which I have just received from the Secretary of the Interior.

Adding that the Department of Justice is still pursuing its investigations in regard to this subject,

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Teller to Mr. Frelinghuysen.

DEPARTMENT OF THE INTERIOR,
Washington, July 14, 1884. (Received July 15.)

SIR: Referring to previous correspondence upon the subject, and more particularly to your letter of the 16th ultimo, I have the honor to inclose herewith a copy of a letter from the governor of Washington Territory in the matter of the alleged lynching of the Indian boy "Jack," in British Columbia, by American citizens from Washington Territory.

Very respectfully,

H. M. TELLER,
Secretary.

TERRITORY OF WASHINGTON, EXECUTIVE DEPARTMENT,
Olympia, July 7, 1884.

SIR: I have the honor to acknowledge the receipt of your communication accompanied by papers concerning the lynching of the Indian boy Jack by a mob, upon the soil of British Columbia, on the 25th of February, 1884, and beg leave respectfully to state that I have made every possible effort to ascertain who committed the outrage, but without any satisfactory result. I telegraphed, at my own expense, to the governor-general of British Columbia, that I would make diligent search for the perpetrators, and also dispatched to the Hon. C. M. Bradshaw, the prosecuting attorney for that district. He informed me that he instituted the most vigorous proceedings at his command, but had not been able to make any discoveries. This information I have already transmitted to the Department of the Interior.

It will be apparent that it is well-nigh impossible to make discoveries of a band of disguised people who, with the entire community, are interested in the secrecy which pertains to such illegal and violent transactions. Again, the country is covered by a dense forest, which precludes the possibility of successful search. Furthermore, many of the people ofttimes make but little account of an Indian's life when any act, which they assume to justify hanging by a mob has been perpetrated, and are ofttimes not fastidious about the guilt of their action. As governor I have acted

with all possible zeal and vigor, and can, so far as I know, do nothing more, having no money at my command for that or for any other public purpose.

The prosecuting attorney has exhausted his resources of effort. I respectfully recommend that the district attorney of the United States be instructed to undertake the case, and be provided with means to carry out the investigation, and that he co-operate with the governor of the Territory in this most important matter of international interest.

I have, &c.,

WM. A. NEWELL.

Hon. H. M. TELLER,
Secretary of the Interior.

No. 176.

The Queen to the President.

[Telegram.]

LONDON, *July* 21, 1884.

To the PRESIDENT OF THE UNITED STATES,
Washington:

The Queen heartily congratulates the President and people of the United States on the rescue of Lieutenant Greely and the gallant survivors of the Arctic expedition.

She trusts that favorable reports have been received of the sufferers.

THE QUEEN,
Windsor Castle.

No. 177.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *August* 11, 1884. (Received August 12.)

SIR: I have the honor to submit to you herewith a memorandum on the state of the labor traffic in the Western Pacific islands, and the steps which it is proposed to take to lessen the abuses which have arisen in connection with it. I feel confident that, in the interests of humanity, you will give this subject the consideration which its importance merits, and which you will not fail to appreciate.

I have, &c.,

L. S. SACKVILLE-WEST.

[Inclosure.]

MEMORANDUM.

The state of the labor traffic in the Western Pacific islands has recently engaged the serious attention of the colonial governments interested, and of Her Majesty's Government, and steps are being taken which it is hoped may tend to lessen the abuses which have arisen.

One of the first evils with which they have had to contend is the indiscriminate sale of arms, ammunition, dynamite, and alcohol to the islanders, and in the interests of humanity it is sought to prevent the supply of such articles. They have come to the conclusion that the best way of putting an end to a trade so injurious to the pop-

ulations of these islands would be by international agreement, to which the great powers and the United States should be parties.

Her Majesty's Government, therefore, would be glad to know whether the Government of the United States would be willing to enter into such an agreement.

WASHINGTON, *August* 11, 1884.

No. 178.

Mr. Davis to Mr. West.

DEPARTMENT OF STATE,
Washington, August 18, 1884.

SIR: With reference to your note of the 25th of June last, in relation to the application of the Government of Canada to land a cable in Washington Territory, I have the honor to inform you that the Department is awaiting further information in regard to the subject before making a full reply thereto.

I have, &c.,

JOHN DAVIS,
Acting Secretary.

No. 179.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, August 22, 1884.

SIR: With reference to your note of the 11th instant, I have the honor to inform you that the memorandum which accompanied it, concerning the state of the labor traffic in the Western Pacific islands, has received careful examination. This Government looks with favor upon any humanitarian work, and would like more information as to the scope and form of the proposed agreement.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 180.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, September 6, 1884.

SIR: With reference to previous correspondence respecting an alleged lynching of an Indian in British Columbia by American citizens from Washington Territory, I have the honor to inform you that the United States attorney for Washington Territory has given the matter the full attention demanded by its delicacy and importance, but, owing to the fact that the region of the alleged offense is exceedingly remote, difficult of access, and sparsely settled, witnesses to prove the act charged, and the guilty parties, have not yet been found.

Although all the efforts of the authorities to obtain evidence to justify the institution of legal proceedings have thus far proven fruitless, the matter will continue to receive the attention of this Government.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 181.

Mr. West to Mr. Frelinghuysen.

WASHINGTON, *November* 11, 1884. (Received November 12.)

SIR: With reference to your note of the 8th of July last, I have the honor to inclose to you herewith copy of an approved report of a committee of the privy council of Canada upon the subject of international ferries plying between the United States and the Dominion of Canada.

You will perceive that it is suggested that in order to avoid the risk of complications likely to arise in the present condition of the law, and before any attempt is made to deal with the subject by legislation on the part of the Dominion, a conference should be held with the United States authorities, whether Federal, State, or municipal, in order that, if possible, joint action may be taken in the matter by both countries.

The Marquis of Lansdowne has therefore requested me to submit this suggestion to your favorable consideration.

I have, &c.,

L. S. SACKVILLE-WEST.

Certified copy of a report of a committee of the honorable the privy council for Canada, approved by his excellency the Governor-General in council on the 27th October, 1884.

The committee of the privy council have had before them a memorandum, dated 23d October, 1884, from the minister of inland revenue with respect to international ferries plying between Canadian and United States ports.

The minister of inland revenue observes that the British North American act determines the exclusive legislative authority in respect of ferries between a province and any British or foreign country, or between two provinces, to rest with the Dominion Parliament, and that the act respecting ferries (33 Vic., cap. 35) provides that "every license of ferry under that act shall be under the great seal, and shall be issued by the governor in council, after public competition" as thereinafter provided.

The minister states that circumstances have arisen in respect both of the Sarnia and Port Huron and the Buffalo and Fort Erie ferries which lead to the conviction that the conditions required by this act may bring the Government of Canada into serious collision with the State or municipal authorities of the United States.

The minister is not aware whether the power of legislating for ferries inheres in the Federal or State government, but is of opinion, from what has transpired, that each State has power to enact its own laws, and to delegate the administration of these to municipalities.

Assuming, then, that such municipalities have the power to make by-laws equivalent in force and in general conditions to the ferries act of Canada, under which we are acting, a collision would be inevitable unless the parties tendering to this Government were able to negotiate away any opposition which might present itself on the other side of the frontier. Otherwise the condition of affairs which might supervene would be as follows:

Canada would grant a monopoly to A, and the United States municipality to B.

A alone would have the right to touch upon Canadian territory without going through all the forms of entering and clearing at the custom-house, and otherwise submitting to such restrictions required by the navigation laws as all vessels of foreign ownership are required to do.

Should the United States authorities reciprocate, B alone would only be in a like favored position in respect of the other side of the frontier.

Under these conditions the very object of a ferry, that is, rapid transit, would be frustrated, and it would seem, therefore, that some amendment to the ferries act is inevitable as touching international ferries, so as to preclude the competition between individuals for a mere commercial advantage, bringing about serious international misunderstandings.

The minister of inland revenue therefore recommends that, before introducing any legislation upon the subject, a conference should be held with the United States authorities, in order that some joint legislation might be agreed upon which should be equally applicable to all international ferries plying between Canadian and United States ports.

The committee concur in the recommendation of the minister of inland revenue, and they advise that your excellency be moved to transmit a copy of this minute, if approved, to Her Majesty's minister at Washington, with the request to take such steps as he may consider advisable with a view to avoid any difficulty, which it is highly desiraable should not spring up between the Canadian and United States Governments, all of which is respectfully submitted for your excellency's approval.

JOHN J. McGEE,
Clerk Queen's Privy Council for Canada.

No. 182.

Mr. Frelinghuysen to Mr. West.

DEPARTMENT OF STATE,
Washington, November 21, 1884.

SIR: I have the honor to acknowledge the receipt of your note of the 11th instant, in which you inclose an approved report of the privy council of Canada upon the subject of international ferries plying between the United States and the Dominion of Canada.

With a view to avoid the risks of conflicts likely to arise in the present condition of the law of Canada, and before any attempt is made to settle the complications that have already arisen at Port Huron and other points because of the condition of the ferries act of Canada, it is suggested a conference should be held with the United States authorities in order that some joint action might be agreed upon which should be equally applicable to all international ferries plying between United States and Canadian ports.

The suggestion meets with the approval of this Department, and I hasten to inform you that I will at an early day fix a time when I shall be glad to confer with you upon the subject.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

GREECE.

No. 183.

Mr. Schuyler to Mr. Frelinghuysen.

No. 52.] LEGATION OF THE UNITED STATES,
Athens, December 8, 1883. (Received December 27.)

SIR: Referring to my dispatch No. 42, dated October 19, on the subject of the prohibition of American pork in Greece, I have the honor to inclose herewith a copy and translation, marked 1 and 2, of a note

I have just received from the minister of foreign affairs, which promises a new examination of the affair. The reference to information asked for at Berlin is probably called out by the fact that various statements have recently been published in the Greek newspapers about an outbreak of trichinosis in Germany.

I have, &c.,

EUGENE SCHUYLER.

[Inclosure in No. 52.—Translation.]

Mr. Contostavlo to Mr. Schuyler.

MINISTRY OF FOREIGN AFFAIRS,
Athens, November 23 (*December* 5), 1883.

Mr. MINISTER: The department of the interior, whose attention I hastened to draw to your note of October 5 (17), respecting the prohibition of the importation of American pork into Greece, has just informed me that before revising the dispositions already made on this subject on the advice of the medical council of Athens, it required new and fuller information, which it has desired me to ask of our consul-general at New York and of the King's legation at Berlin.

I have just asked for this information, and I will not fail to duly communicate to you the decision which the ministry of the interior may think proper to make on the subject, as soon as this information has been received.

Please accept, &c.,

CONTOSTAVLO.

No. 184.

Mr. Frelinghuysen to Mr. Schuyler.

No. 51.] DEPARTMENT OF STATE,
Washington, January 8, 1884.

SIR: I have to acknowledge the receipt of your No. 52, apprising the Department of the action of the Greek Government in calling for information touching our pork product from its consul-general at New York and its legation at Berlin. It is trusted that the inquiry at Berlin may involve a statement of the fact that the local German custom, among some classes, of making the raw native product an article of diet, is accountable for whatever serious disturbances to health have lately occurred there as a result of pork consumption. This custom is not understood to obtain in Greece.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 185.

Mr. Schuyler to Mr. Frelinghuysen.

[Extract.]

No. 61.] LEGATION OF THE UNITED STATES,
Athens, January 31, 1884. (Received February 22.)

SIR: I have the honor to inform you that within the last few days the law recently passed by the Chamber for a loan of 170,000,000 francs

(about $34,000,000) has been signed by the King and promulgated. The discussion on the law was long and very serious, and before its passage the Chamber remained in session from 3 o'clock in the afternoon until 2 o'clock at night, a thing unprecedented in Greek history.

The proceeds of the loan are to be employed exclusively for paying off the debt to the National and Ionian Banks of about $13,700,000, in order to put an end to the forced circulation of bank notes, and for expenditure on railways and on naval and military preparations, for which, by two previous laws of July 4, 1882, and April 12, 1883, permission had been granted to contract loans of $8,000,000 nominal and $2,500,000 effective, respectively. These permissions are replaced by the present loan.

The loan is made with the Epiro-Thessalian Bank, the Bank of Constantinople and a syndicate comprising the latter, the Comptoir d'Escompte of Paris, the Société Générale of Paris, the Banque Générale d'Egypte, the Banque de Paris et des Pays Bas, the National Bank of Greece, the Bank of General Credit, and the Industrial Bank of Greece, &c.

The loan of 170,000,000 francs nominal is divided into 340,000 bonds of 500 francs or £20 sterling each, with a yearly interest, payable half-yearly, at the rate of 5 per cent., namely, 25 francs or £1 per bond. It is to be paid off in thirty-seven and a half years, by half-yearly drawings by lot, according to a scale of amortization printed on the back of the bonds. The interest is payable in Athens, Paris, London, and Alexandria.

As special security for the service of the loan, the Greek Government mortgages the customs revenues of the Piræus, Athens, Patros, Syra, Katakolo, Kalamata, Cephalonia, Zante, and Corfu, the stamp duties, the installments paid for national lands, and the tobacco tax, so far as not previously mortgaged for other loans, and the whole of the customs revenue of Volo, Tzagasi, and Asta.

The revenue appropriated to the loan is to be deposited in the offices of the Bank of Constantinople and the Epiro-Thessalian Bank in Greece.

The arrangement with the syndicate is so made that they take 55,000,000 francs *ferme* at the fixed price of 68½, or 342½ francs for a bond of 500 francs, and advance immediately after the promulgation 35,000,000 francs ($7,000,000) in gold, in Paris, which is to be used for beginning the resumption of specie payments. Sixty million nominal of the loan the Government reserves for itself to issue, and agrees to open the remainder, 55,000,000 francs, to public subscription, at any time within eighteen months, whenever the Government may think it advisable, the profit above the fixed price of 68½ to be divided between the Government and the syndicate.

The loan from the banks of $13,700,000 is to be repaid in three installments within nine months, and specie payments will not be really resumed until the expiration of that time, although we may expect the price of gold constantly to fall.

As the loan is not to be put upon the market until specie payments are resumed—in nine months' time—it is thought that it will be easily taken at a premium on the price issued.

There can be but one opinion as to the advisability of resuming specie payments in any country, even if the Government has to suffer a loss, but especially where, owing to a forced circulation, the Government is in the hands of bankers for the purchase of gold necessary to meet their loan and other expenses abroad. This will bring the annual

indebtedness for the purposes of the public debt up to over $6,000,000, which the country is perfectly capable of sustaining, but the increase is outweighed by other advantages.

* * * * * * *

I have, &c.,

EUGENE SCHUYLER.

No. 186.

Mr. Schuyler to Mr. Frelinghuysen.

No. 65.] LEGATION OF THE UNITED STATES,
Athens, February 23, 1884. (Received March 12.)

SIR: The prime minister told me last evening that the medical council had that day decided to abolish the restriction on the importation of American pork, and that it would be announced officially as soon as it had passed through the proper channels. He even said that I might telegraph it to you, upon which I sent you a telegram as follows: "Minister says prohibition of pork abolished."

The fact is also stated this morning in the Ora, the personal organ of the prime minister, the reason being assigned that trichinosis had ceased in America.

I have, &c.,

EUGENE SCHUYLER.

No. 187.

Mr. Schuyler to Mr. Frelinghuysen.

No. 68.] LEGATION OF THE UNITED STATES,
Athens, March 10, 1884. (Received March 31.)

SIR: Referring to my dispatch No. 65, dated February 23, 1884, with regard to the importation of American pork, I have the honor to inclose herewith a copy and a translation of the circular on this subject sent by the ministry of foreign affairs to all the legations in Athens.

On February 27 I received from you a telegram as follows: "We learn with deep satisfaction of equitable action of Greek Government in abolishing prohibition of pork."

Allow me to express my gratification at your appreciation of the action of the Greek Government.

Knowing that it would give him pleasure, I took the liberty of communicating your telegram, unofficially, to the prime minister.

I am, &c.,

EUGENE SCHUYLER.

[Inclosure in dispatch No. 68.—Translation.]

MINISTRY OF FOREIGN AFFAIRS,
Athens, February 23, 1884.

The ministry of foreign affairs has the honor to inform the legation of the United States of America that, on the advice of the medical council at Athens, the department of the interior has authorized the importation into Greece of pork of American origin.

Mr. Contostavlos seizes this occasion to renew to Mr. Schuyler the assurance of his high consideration.

No. 188.

Mr. Frelinghuysen to Mr. Schuyler.

No. 56.] DEPARTMENT OF STATE,
Washington, March 17, 1884.

SIR: Referring to your No. 60, and to your telegram of the 22d ultimo, which reads, "The minister says that prohibition of pork has been abolished," I have to say that a reply was sent to the latter by cable on the 26th ultimo. This Government can but highly appreciate this just action of the Government of Greece. * * *

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 189.

Mr. Frelinghuysen to Mr. Schuyler.

No. 57.] DEPARTMENT OF STATE,
Washington, March 19, 1884.

SIR: I inclose, for your information, a copy of a letter from the consul-general of Greece at New York, apprising the Department of the removal by Greece of restrictions on the import of American pork.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 57.]

Mr. Botassi to Mr. Frelinghuysen.

CONSULATE-GENERAL OF GREECE,
New York, February 27, 1884. (Received February 28.)

SIR: I have the honor to inform you that I have received a dispatch from Mr. Contostavlos, minister of foreign affairs, dated Athens, Greece, this day, by which his excellency informs me that the Greek Government has abolished the prohibition hitherto existing of the importation of American hog products into Greece, said decision to take effect on and after the 22d of this month.

His Majesty's Government has come to this decision, having been satisfied, from the numerous inquiries recently made in this country, that there is not any danger to the public health in allowing the importation of American hog products into Greece.

* * * * * * * *

I have, &c.,

D. N. BOTASSI.

No. 190.

Mr. Schuyler to Mr. Frelinghuysen.

[Extract.]

No. 69.] LEGATION OF THE UNITED STATES,
Athens, March 20, 1884. (Received April 8.)

SIR: Some months ago the agent in Greece of the American Bible Society complained to me that his agents and colporteurs in various places in the interior were prevented by the authorities from selling Bibles, thus causing a pecuniary loss to the society.

I subsequently had letters on this subject from the general agent at Constantinople.

The agent here, Mr. Kalopothakes, a Greek subject, though educated in America and married to an American, showed me the opinion of legal counsel, which convinced me that such interference with the sale of Bibles in Greece was illegal.

Mr. Kalopothakes was at first of opinion that he should take what would certainly be the only proper course for the agent of any commercial establishment in similar circumstances, that is, bring an action in the courts against the offending officials.

This, however, the Bible House was unwilling to approve, lest they should seem to force their publications upon the Greek people.

A similar case had arisen in 1876, when General Read succeeded in arranging the affair by an unofficial conversation with the minister [see General Read's dispatch No. 219, dated August 3, 1876, and reply of the Department No. 88, dated August 25, 1876]; and, acting on this precedent, I had an unofficial conversation with the prime minister, who promised to look into the matter. I called his attention to the fact that the sale of Bibles was allowed without interference in Athens, in the principal streets, not far from his office, and I thought that no reason could exist for pursuing a different system in the provinces. A similar course was taken by the English chargé d'affaires in behalf of the British and Foreign Bible Society.

Some days ago Mr. Kalopothakes again complained to me that a colporteur whom he had sent to Ithaca, instructed to take no books of any kind except Bibles, and to give none away, but simply to sell them, had been stopped and his books seized.

He gave me the telegram of his agent announcing this fact. Having occasion that afternoon to see the prime minister, I gave him the telegram, and he promised to telegraph at once to Ithaca and inquire into the facts. He expressed, however, a doubt as to whether they were exactly as had been represented to me.

I have informed Mr. Kalopothakes that I do not feel justified in taking further steps in the matter, and certainly not in taking any official action, without positive instructions from you. I have hesitated about bringing the matter before you, thinking it might be preferable that I should be left without instructions. Mr. Kalopothakes has now gone to America, and has the intention of himself representing to the Department the case of the Bible Society.

The situation is a delicate one. The Greeks are very sensitive to anything in the matter of proselytism, not only because they love their own church but because their church has been a strong, and perhaps the strongest, instrument in preserving Greek national life and in obtaining their freedom. As they wish to maintain their influence among the Greeks now subject to Turkey, and as the Greek Church is their most powerful arm, any division in the church, or any effort to create dissatisfaction with it, seems an attack against their patriotism.

It was for that reason that the first article of the Greek constitution was made to read:

> The dominant religion in Greece is that of the orthodox Oriental Christian Church. Every other recognized religion is tolerated, and the full exercise of its worship is protected by the law. Proselytism and any other intervention prejudicial to the dominant religion are forbidden.

Now, the sale of the Bible, whether in English or in modern Greek, is not forbidden by the constitution or the law, although the modern

Greek translation issued by the American Bible Society, as it is not opposed by the synod, is not allowed to be used in the schools.

* * * * * * *

In case you should see fit to give me instructions in this case, I hope they may be to the effect that in a country like Greece, where good tribunals exist, the Bible Society should exhaust its legal remedies before applying to the legation for diplomatic aid, leaving me, however, a certain latitude for unofficial good offices.

I am, &c.,

EUGENE SCHUYLER.

No. 191.

Mr. Schuyler to Mr. Frelinghuysen.

No. 70.] LEGATION OF THE UNITED STATES,
Athens, March 22, 1884. (Received April 10.)

SIR: Referring to my dispatch No. 69, dated March 20, with regard to the difficulties of the American Bible Society, I have the honor to report that the prime minister informed me yesterday that the ministry of worship had received a telegram from the Eparch of Ithaca saying that no order had been issued to restrict the sale of the Bibles of the American Society. I have myself seen the telegram.

On communicating this to the agent of the British and Foreign Bible Society, who, in the absence of Mr. Kalopothakes, is acting for the American Bible Society, he handed me a telegram from the colporteur at Ithaca asking for further interference on my part to compel the Eparch to instruct the police authorities in the case. I refused to take any further steps at present, for it is evident that the Hellenic Government is pursuing no policy adverse to the interests of the society.

The courts seem to me the proper place to settle difficulties arising out of too much zeal on the part of minor officials.

I am, &c.,

EUGENE SCHUYLER.

No. 192.

Mr. Frelinghuysen to Mr. Schuyler.

No. 61.] DEPARTMENT OF STATE,
Washington, May 28, 1884.

SIR: Referring to your Nos. 69 and 70, in relation to the restrictions imposed upon the sale of the Holy Scriptures in Greece, I have to inclose herewith, for your information, a copy of a communication from Edward W. Gilman, secretary of the American Bible Society in New York, concerning the same subject-matter.

If the law allows the sale of the Holy Scriptures in Greece, the rights of American vendors must be protected.

You should leave nothing undone to protect the lawful rights of American citizens engaged in such occupations, and have extended to them whatever privileges the citizens of other nations have.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 61.]

Mr. Gilman to Mr. Frelinghuysen.

BIBLE HOUSE, ASTOR PLACE,
New York, May 21, 1884.

SIR: I have the honor of acknowledging your attention in submitting to us a memorandum relating to Mr. Schuyler's dispatch No. 69.

We were aware that an appeal had been made to the American minister at Athens to exert his influence for the protection of our employés from maltreatment while engaged in lawful trade, and, knowing something of his success in removing the injunction of the Greek Government against the importation of American hams, we hoped he would be no less firm in the position that American citizens ought to be protected in carrying out their unselfish aims to give every inhabitant of Greece the opportunity to buy, if he will, the Holy Scriptures which are recognized as canonical throughout Christendom.

The attitude assumed on previous occasions by our ambassadors and those of Great Britain is believed to be in accordance with the profound convictions of the nation, that the lives and property of men who are engaged in the disinterested work of teaching a pure Christian morality have no less claim upon national protection than the lives and property of those who are engaged in commercial speculations, scientific research, or academic studies. And to meet any misunderstanding or suspicion among the Greeks as to missionary enterprises, Mr. Schuyler might well inform them that while the British and Foreign Bible Society is under the patronage of Her Majesty the Queen of England, the Prince of Wales, and the Emperor of Germany, the American Bible Society also numbers among its officers some of the most eminent of American jurists and civilians, among whom it is not invidious to mention the Chief Justice of the Supreme Court and one of the ex-Presidents of the United States.

So far as those societies are concerned, it is not any part of their object to make proselytes from the Greek Church, nor do they employ men to circulate other books than the Holy Scriptures. If that were the *gravamen* of the offense, we should have expected it to be made prominent, but, so far as I can learn, the objection has come from the holy synod that the Holy Scriptures ought not to be allowed to be circulated. The injustice of which we complain is that our employés have been deprived of property and forbidden to prosecute a business which the law allows.

I do not know what the opinion of the American minister may be in respect to the advantages which may accrue from the prosecution of this work, but whether it is favorable or not, we judge that our correspondents are entitled to his hearty sympathy and aid, while doing this work, as representatives of the Christian people of America, so long as they do not violate the letter or the spirit of the law; and we confidently hope that Mr. Schuyler will have instructions from the Department of State to give no less support to this work of pure philanthropy than he would to commercial enterprises conducted solely with a view to pecuniary profit.

With renewed thanks for the invitation given us to express an opinion on these points,

I remain, &c.,

EDWARD W. GILMAN,
Corresponding Secretary American Bible Society.

[Inclosure 2 in No. 61.]

Mr. Gilman to Mr. Frelinghuysen.

BIBLE HOUSE, ASTOR PLACE,
New York, May 22, 1884.

SIR: In connection with the suggestions contained in my letter of yesterday, I beg leave to call your attention to an extract from a recent letter from Dr. Bliss, under date of May 5, having special reference to the embarrassments which Turkish officials throw in the way of circulating books which are expressly sanctioned by the Government censor. The cases are parallel to those occurring in Greece, and their importance is such as to justify our reference to the State Department, with the request that Mr. Wallace may be suitably instructed to secure protection for our interests so far as it may be in his power.

I have, &c.,

EDWARD W. GILMAN,
Corresponding Secretary.

[Inclosure.—Extract.]

Mr. Bliss to Mr. Gilman.

BIBLE HOUSE, CONSTANTINOPLE, *May* 5, 1884.

SIR: Word has just come that our excellent colporteur in the Smyrna district was arrested at Denizlu, half way between Aidiu and Isbarta, and sent to Smyrna under guard. Mr. Bowen at once went to Consul Stevens, and the young man was released about 9 o'clock at night. His crime was selling books which had received the sanction of the Government and had passed the censor.

A letter from Erzeroom informs me, under date of April 18, that a telegram had just been received from Khanoos stating that our colporteur there had been imprisoned for book-selling. Rev. Mr. Chambers went immediately to the governor, and he promised to telegraph for him to be released. Mr. Chambers had no assurance that it would be done. The head of the censorship in Erzeroom was present at the interview with the governor, and interposed his word to the effect that we had already been forbidden to sell books in the villages. The question which has been slumbering in that region since the fall of 1882 will very likely be reopened. Now, what are we to do if an order shall be issued forbidding *in toto* our colporteurs to hawk books in the villages? All our Bibles have the permit of the censor and of the central Government in one form or another. All the books of the mission have been approved, also, by the same departments. We have paid duty, &c.

* * * * * * *

ISAAC G. BLISS.

No. 193.

Mr. Schuyler to Mr. Frelinghuysen.

No. 77.] LEGATION OF THE UNITED STATES,
Athens, June 6, 1884. (Received June 24.)

SIR: Referring to my dispatches No. 65, dated February 23, and No. 68, dated March 10, 1884, about the importation of American pork into Greece, I have the honor to inclose herewith a copy and a translation of a note received from the minister of foreign affairs, dated May 19 (31).

It will be seen by this note that the importation of American pork is permitted only on a certificate of a Greek consul that no disease exists in the place of origin. This rule is applicable to all importations of pork from every country, and, as it existed at the time when the restriction on American pork was abolished, I had already taken it for granted that it applied also to importations from the United States.

I am, &c.,

EUGENE SCHUYLER.

[Inclosure in No. 77.—Translation.]

MINISTRY OF FOREIGN AFFAIRS.

The ministry of foreign affairs, referring to its *note verbale* of February 23 last, has the honor to inform this legation that while authorizing the importation into Greece of salted pork and other pork products of American origin, the department of the interior meant to permit this importation only under certain conditions, viz, that for importing these articles of food it is necessary to have a certificate of the local authorities, approved by the consul of Greece, stating that neither trichinosis nor any contagious malady to which swine are subject exists in the place of origin.

Mr. Contostavlos seizes this occasion to renew to Mr. Schuyler the assurance of his high consideration.

HAWAIIAN ISLANDS.

No. 194.

Mr. Daggett to Mr. Frelinghuysen.

No. 100.] LEGATION OF THE UNITED STATES,
Honolulu, November 14, 1884. (Received November 30.)

SIR: From the records of the registrar-general have been gathered statements of the registered births and deaths in the Hawaiian Kingdom for the years 1879, 1880, 1881, 1882, and the first half of 1883. For the purpose of comparison, I beg leave to summarize the figures as follows:

Years.	Births.	Deaths.
1879	2,331	3,292
1880 and 1881	4,709	5,101
1882 and first half of 1883	2,470	2,861
Total	9,510	11,254
Excess of deaths over births in 4½ years		1,744

Although the deaths above enumerated include the victims of the small-pox visitation in 1881 and 583 lepers at the leper settlement on Molokai, it is nevertheless manifest that the native population is steadily decreasing. There has been a very considerable increase in permanent population, however, since 1878. In addition to a small but steady increase from Europe and America during that time, and the coming of perhaps not less than 10,000 Chinese laborers, there have arrived 7,733 Portuguese, principally from the Azores, the most of them during the past eighteen months. A very considerable proportion of the latter are women and children. They are a peaceful, industrious, and prolific people; and as the most of them have come to remain, it is probable that the natural decrease in population (averaging about 400 per annum durring the past four and one-half years) will soon cease.

I am, &c.,

ROLLIN M. DAGGETT.

No. 195.

Mr. Frelinghuysen to Mr. Daggett.

No. 43.] DEPARTMENT OF STATE,
Washington, December 13, 1883.

SIR: Adverting to the instruction sent to you upon the 15th ultimo, No. 38, I have now to transmit, for your information, the inclosed copies of correspondence between the Hawaiian minister here and myself, touching the complaint of the Pacific Mail Steamship Company against the Government of Hawaii.

The Department's reply to Mr. Carter is sufficiently explicit to render any special instructions to you in the premises unnecessary.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 196.

Mr. Daggett to Mr. Frelinghuysen.

No. 106.] LEGATION OF THE UNITED STATES,
Honolulu, December 15, 1884. (Received December 31.)

SIR: I have the honor to apprise you that, on the petition of William R. Castle and other Hawaiian taxpayers, Chief Justice Judd yesterday ordered a writ of mandamus to issue restraining the minister of finance from accepting for the 6 per cent. bonds of the $2,000,000 loan act of 1882 any of the recently coined Hawaiian silver currency, the first installment of which, amounting to $130,000, arrived here from San Francisco on the 9th instant.

The loan act authorizes the issuance, for specific purposes, of bonds to the amount of $2,000,000. The bonds are to bear interest at the rate of 6 per cent. per annum, are to be issued at not less than par, and are made payable, principal and interest, "in United States gold coin or its equivalent." As the bonds did not find ready sale, the Government finally entered into an arrangement with Mr. Claus Spreckels, giving him the privilege of taking the bonds to the amount of a million dollars and paying for them in Hawaiian silver coins at their face value. And it seems to have been further agreed that these Hawaiian coins should be made on the order of Mr. Spreckels, from bullion provided by Mr. Spreckels, and (as authorized by the Legislative Assembly of 1880) "be of equal weight and fineness with United States gold and silver coins of the same value."

Provision was made for this coinage at the United States mints, and on the 9th instant the sum of $130,000 in Hawaiian silver coins, principally half-dollars, I believe, was received here by the agents of Mr. Spreckels, to be paid over to the Government for an equal amount in bonds. But the transaction was resisted by certains taxpayers, and a hearing on their petition resulted, as mentioned, in an order to the minister of finance from the chief justice to issue the bonds only for United States gold coin or its equivalent. An appeal to a full bench was noted, but it is not believed that the judgment will be disturbed.

Further shipments of the same coinage are expected, and the matter is attracting general attention.

I am, &c.,

ROLLIN M. DAGGETT.

No. 197.

Mr. Daggett to Mr. Frelinghuysen.

No. 108.] LEGATION OF THE UNITED STATES,
Honolulu, December 21, 1883. (Received January 12, 1884.)

SIR: Agreeably to the instruction embraced in your dispatch of November 15, 1883 (No. 38), on the 7th instant (No. 242) I addressed a communication to His Hawaiian Majesty's minister of foreign affairs, briefly referring to the exclusive permission for the transportation of Chinese laborers to these islands accorded by the Hawaiian Government to the Pacific Mail and Occidental and Oriental Steamship Companies some time in July last; to the transfer of that permission, about

three months thereafter, to the Oceanic Steamship Company; of the alleged proffer by the latter to assign the concession, first, to the Pacific Mail Steamship Company, for a consideration, and subsequently to the Occidental and Oriental Steamship Company, a corporation organized under the laws of Great Britain; and claiming that provisions of the treaty of 1849 between the United States and Hawaii forbidding discrimination against the vessels or commerce of the United States had thereby been contravened, and asking the Hawaiian Government to take such measures as would repair and in the future prevent such discrimination.

Replying under date of the 10th instant, his excellency the minister of foreign affairs expresses surprise that the Pacific Mail Steamship Company should have appealed to the United States Government for relief. He refers to the many favors accorded that company by the Hawaiian Government; claims that no contract or agreement with that corporation has been violated; that the privilege of transporting Chinese laborers to these islands was transferred to the Oceanic Steamship Company for sanitary and industrial reasons; that the agreement with the Oceanic Steamship Company carried with it no right or warrant of transfer, nor is the Hawaiian Government aware that any such transfer has been proffered; and that he fails to perceive that any discrimination against vessels of the United States has been made by the Hawaiian Government, or that any of the provisions of the treaty of 1849 have been contravened.

To bring the matter to a more direct issue, I addressed a second communication to his excellency the minister of foreign affairs, on the 13th instant (No. 243), in which, without regarding as essential the facts and circumstances connected with these exclusive contracts, I felt warranted by my instructions in assuming that the substantial cause of complaint was not so much that the agreement had been taken from one company and given to another, either with or without cause, as that it had been made at all; that the making and enforcement of such a contract by the Hawaiian Government with any company owning a particular line of vessels, "whether American, Hawaiian, or foreign to both countries," would be, in the estimation of my Government, repugnant to the covenants of the treaty of 1849, and a hope was expressed that all such discriminating concessions by the Hawaiian Government would be set aside as unauthorized.

In reply to this, under date of the 19th instant, his excellency the minister of foreign affairs incloses a copy of the agreement between the Hawaiian Government and the Oceanic Steamship Company, showing that it is not transferable; asserts that the authority for the admission of further Chinese laborers into the Hawaiian Kingdom limits the number to 600 in every three months, and for social, sanitary, and industrial reasons such immigration should be selected by capable and interested agents and transported under Government control; that the Hawaiian Government claims "the right to regulate measures taken for the repopulation and industrial development of the Kingdom," and is not convinced that in so doing it has violated any treaty stipulation with the United States.

I inclose a copy of this correspondence, together with the inclosures referred to therein—or, rather, such inclosures as may not already be in your possession.

As the Hawaiian Government has placed itself in an attitude where further correspondence with me on the subject, under existing instructions, would be profitless, the attitude of declining to admit that any of

the provisions of the treaty of 1849 have been violated, and claiming the right to make special contracts for the transportation of Chinese laborers to these islands, I respectfully submit the matter to you for further instruction.

I am, &c.,

ROLLIN M. DAGGETT.

[Inclosure 1 in No. 108.]

Mr. Daggett to Mr. Gibson.

No. 242.] LEGATION OF THE UNITED STATES,
Honolulu, December 7, 1883.

SIR: I have the honor to apprise your excellency that information is in my possession showing that the Pacific Mail Steamship Company, a corporation of one of the States of the United States of America, has for some years past maintained a line of steam-vessels between San Francisco and Australia, which, both on outward and homeward trips, have regularly stopped at the Hawaiian Islands for the delivery and reception of freights, passengers, and the public mails; and has also maintained a line of steam-vessels between San Francisco and China, which have at intervals stopped at these islands on their outward and homeward voyages. The Occidental and Oriental Steamship Company, a corporation organized under the laws of Great Britain, has likewise maintained a line of steam-vessels between China and San Francisco, which have also at intervals stopped at the Hawaiian Islands on their outward and homeward voyages.

On the 13th day of last July, at a meeting of His Majesty's cabinet, a resolution was adopted rescinding a previous resolution on the subject, and authorizing the admission into the Hawaiian Kingdom of Chinese laborers to the limit of 600 in every three months. About that time a verbal agreement was entered into by the Hawaiian Government and the Honolulu agency of the Pacific Mail Steamship Company conferring upon that company and the Occidental and Oriental Steamship Company the exclusive privilege of transporting such Chinese laborers to these islands. In confirmation of this agreement I respectfully refer to your excellency's letter of instruction to His Majesty's consul-general at Hong-Kong under date of July 14, 1883, and to your letter of August 18, 1883, to the Honolulu agents of the Pacific Mail Steamship Company, in which the agreement is recognized and the assurance given "that unless some emergency at present entirely unforeseen should arise, no change will be made in the arrangements referred to without reasonable warning being given to you," and that "the permission just granted is likely to remain in force for some time to come if the immigration taking place under it be conducted in the manner and with the discretion which the Government has reason to expect." This agreement was made with and confirmed to the Pacific Mail and Occidental and Oriental Steamship Companies for the reasons (expressed in your letters to His Majesty's minister at Washington and His Majesty's consul-general at Hong-Kong under dates of July 14, 1883) that these companies had "the only established lines of steamers at present in the trade," and that their "steamers are always well equipped and provided, and kept in a cleanly condition, and carry experienced physicians."

This privilege is regarded as of great consequence by the Pacific Mail Steamship Company, as it would probably enable it to continue, even through the dull season, the regular trips of its vessels bearing the United States mails. But soon after it was granted, and after His Majesty's consul-general at Hong-Kong had been instructed to give permission only to the vessels of the Pacific Mail and Occidental and Oriental Steamship Companies to convey Chinese laborers to the Hawaiian Islands, the privilege was, without notice and without apparent cause, taken from these companies and given to the Oceanic Steamship Company, embracing a line of two steamers plying between San Francisco and Honolulu, and controlled by Mr. C. Spreckels, of San Francisco. The notice of this change was given to the Honolulu agents of the Pacific Mail Steamship Company on the 15th day of last October, in a communication from your excellency informing them that His Majesty's consul-general at Hong-Kong would "be instructed to issue permits for the transportation of Chinese immigrants to this Kingdom, after 1st of January next, only to vessels of the Oceanic Steamship Company."

Through its attorney, Mr. Lauterbach, the Pacific Mail Steamship Company makes representation that, previous to the transfer of the privilege mentioned to the Oceanic Steamship Company, Mr. Spreckels informed the Pacific Mail Steamship Company that unless its steamers to and from Australia ceased to touch at the Hawaiian Islands he

would procure the annulment of the privilege to the Pacific Mail and Occidental and Oriental Steamship Companies; that after having secured the privilege for the Oceanic Steamship Company, Mr. Spreckels offered to transfer it to the Pacific Mail Steamship Company, in consideration of the withdrawal of its San Francisco and Australian steamers from the Hawaiian trade; and when this offer was declined—owning or controlling no steamers by which he could fulfill his contract with the Hawaiian Government for the transportation of Chinese to these islands—he proffered to transfer it to the Occidental and Oriental Steamship Company, a corporation organized under the laws of Great Britain; and which proffer, although it has not been accepted, is still under consideration.

Under these circumstances, it is assumed by the Pacific Mail Steamship Company that the provisions of treaty obligations between Hawaii and the United States have been contravened, and relief is asked by that corporation.

The practical effect of the proposed exclusive grant or concession by the Hawaiian Government to the Oceanic Steamship Company and the trunsfer of the franchise to the Occidental and Oriental Steamship Company would be to establish and maintain a discrimination against the Pacific Mail Steamship Company in regard to an important and profitable element of its carrying trade, and this, it is conceived by my Government, would be in contravention of the first and second articles of the treaty of December, 1849, between the United States and the Hawaiian Islands, and directly at variance with the letter and spirit of the sixth article of that treaty, the provisions of which are as follows:

"Steam-vessels of the United States which may be employed by the Government of said States in the carrying of their public mails across the Pacific Ocean, or from one port in that ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, light-houses, quarantine, or other similar duties of whatever nature or under whatever denomination."

It is true that the Oceanic Steamship Company is an American corporation; but the transfer of its exclusive grant to an English company, and the instruction of the Hawaiian Government to its consul-general at Hong-Kong to grant permits to Chinese laborers to take passage alone on the vessels of the line enjoying the exclusive privilege of receiving them, accomplishes by indirection precisely what the treaty forbids being done directly, that is, the establishing of a discriminating policy in navigation and commerce against steam-vessels of the United States plying between the eastern and western shores of the Pacific Ocean and carrying its mails.

The right of the Hawaiian Government to admit to or exclude from its dominions immigrants of any nationality or race is not for a moment questioned by this; but that the exclusive privilege of carrying immigrants who are admitted to Hawaii should be accorded to any one company owning a particular line of vessels, whether American, Hawaiian, or foreign to both countries, is believed to be unjust, and, as already observed, inconsistent with the due maintenance of the treaty of 1849.

The Pacific Mail Steamship Company has no right to demand an exclusive privilege in such carrying trade, but it may, with manifest propriety, under the treaty, insist that no discriminating measures against its vessels shall be maintained or permitted by the Hawaiian Government.

In a spirit of the largest friendship, I am instructed to submit these views to His Majesty's Government not doubting that, in its enlightened sense of justice, it will adopt such measures in the premises as may be necessary to relieve American vessels and American interests of a threatened discrimination against them.

I have, &c.,

ROLLIN M. DAGGETT.

[Inclosure 2 in No. 108.]

Mr. Gibson to Mr. Daggett.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, December 10, 1883.

SIR: I beg to acknowledge the receipt of your excellency's dispatch of 7th instant, No. 242, in which you recite certain services of the Pacific Mail Steamship Company in the Pacific Ocean in connection with the commerce of this Kingdom, and state that it is assumed by the company that the provisions of treaty obligations between Hawaii and the United States have been contravened, and that relief is asked by that corporation.

I cannot refrain, Mr. Minister, from expressing, on the part of His Majesty's Govern-

ment, their feeling of surprise that the Pacific Mail Steamship Company should enter a complaint against this Government and seek relief from the Government of the United States. The company has always received the most generous consideration from this Government, which has gone to the full limit of the means at its command for the purpose of encouraging the company's enterprise in connection with these islands. Fifteen years ago, when the company proposed to allow the steamers of their China line to touch at this port, the Hawaiian Government, at the urgent request of the manager of the company, built a new and expensive wharf, constructed especially for their use, and therefore unsuitable for the other shipping which at that time used the wharves of Honolulu. Subsequently the contract for the mail line between Australia and San Francisco was taken up by this company, and they applied for a subsidy from the Hawaiian Government, in addition to the other valuble facilities and exemptions which were freely accorded to them. This application met with a ready response, and the Hawaiian Legislature has ever since made provisions for its continuance. From the beginning of the year 1876 up to the present date the company has received on this account $84,500. This I estimate to be equivalent to an annual subsidy of 20 cents per head from the population of these islands, or equal in proportion to what an annual payment of $10,000,000 would be to the people of the United States.

In addition to this subsidy the Government has extended the Esplanade wharf for their accommodation, placed extensive sheds upon it, and erected large stone warehouses in connection with it. The wharf and buildings are as entirely at the disposal of the company as if they were their own property, and even, under the circumstances, more advantageous to their interest than if owned by them.

In remission of wharfage, of custom-house charges, warehouse rent, storage of coal, and water charges, the company has enjoyed a further advantage equal to a subsidy of $35,600, besides which all cargo arriving by their steamers has been exempt from the wharfage charge of 25 cents per ton; and even now the agents of the company, by letter dated the 8th instant, have applied to this Government for an extension of the accommodation for the company's storage of coal on the Esplanade, which has been granted entirely without charge, in accordance with the liberal spirit that has ever characterized the action of His Majesty's Government towards this steamship company.

Therefore, I think, Mr. Minister, that it may be reasonably assumed, in view of this substantial assistance rendered by Hawaii to the Pacific Mail Steamship Company, that the latter might have seen reason to regard this country as enlightened and liberal in its action in the aid and encouragement of steamship enterprises, and might have been expected to submit their complaint directly to this Government for consideration.

His Majesty's Government altogether disclaim any purpose of creating or permitting a discrimination against American vessels and American interests. A correct review of the events out of which the present complaint of the Pacific Mail Steamship Company has arisen will not warrant such an inference. About four months ago (August 18) His Majesty's Government intimated to the agents of the Pacific Mail Steamship Company in Honolulu (and the letter of this date is the only authoritative assurance they ever had) that it would permit the carrying of Chinese immigrants to these islands in the vessels of their company (which are partly British vessels) and of the Oriental and Occidental Company (which are altogether British), on account of their superior character and sanitary management, as in contrast with a certain class that had been transporting immigrants previously. But the Government did not, and could not with propriety, enter into any agreement or contract in respect to this Chinese immigration for any period of time, as it was not an immigration promoted or regulated by the Government, and might (as it had already been) be stopped at any time for considerations of state. The object of thus indicating a preference for the time being was to avoid the risks of the introduction of contagious diseases from Chinese ports by other vessels, as had already happened. No definite agreement was entered into. Some time after this temporary arrangement had been made (subject to termination at any time on notice being given), proposals were addressed to the Government by a new steamship company, exclusively American in capital and in the construction of its vessels, and which engaged to make Honolulu its headquarters and to be in every respect a domestic Hawaiian line, which would afford the most ample opportunity during a period of days for the landing or quarantine control of passengers, and which would not, as in the case of the Pacific Mail and Occidental and Oriental ships sailing from Chinese ports, be too large to enter our harbor, and have to discharge passengers hurriedly, perhaps in the night time, outside the harbor. This new company, the Oceanic Steamship Company, requested to be permitted to undertake the Chinese or other Asiatic immigrant passenger traffic. In reply the Government has engaged that "in the event" of the company placing proper vessels in service for the Chinese trade, to afford them all the opportunity for the transportation of immigrant passengers that may properly be within the discretion of the Gov-

ernment. Ample notice of this new arrangement was given to the Pacific Mail Steamship Company.

The privilege, or rather opportunity, afforded by His Majesty's Government cannot have been of great consequence to the Pacific Mail Steamship Company, since, after enjoying it for four months, they have not availed themselves of the permission nor brought a single Chinese immigrant directly from Hong-Kong to this Kingdom.

The statement made by the attorney of the Pacific Mail Steamship Company of an alleged transfer of a certain privilege or assumed franchise for the transportation of immigrant passengers to this Kingdom, I beg to say, is without the cognizance of His Majesty's Government, and is not warranted by any authorization of this Government. Such a statement should form no part of the complaint of the company.

I make bold to submit, Mr. Minister, that there has been no contravention of the sixth or any other article of the treaty with the United States. Steam-vessels of the Republic, whether "employed by the Government of the said States" or not so employed (as is, I believe, the case with the Pacific Mail Company's boats, which touch at the ports of this Kingdom), have had "free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States," and have not been subject in such ports to any duties of tonnage, harbor, light-houses, quarantine, or other similar duties; and have, moreover, been favored by the remission of many charges imposed upon other shipping, and have been liberally aided by grants of money that were generous in consideration of the resources of this country; and whatever discrimination has been contemplated was in accordance with the estimate of His Majesty's Government of what was proper to be considered in connection with the immigration and sanitary measures of this country.

I hasten, Mr. Minister, to welcome with cordial regard the assurances that the instructions from your excellency's Government in respect to a question with this Government are inspired by a spirit of the "largest friendship," and I recognize that the dispatch of your excellency is the evidence of a friendly solicitude towards Hawaii on the part of the Government of the United States, and I beg to assure you that His Majesty's Government are ever guided in their public action by a sense of obligation to a great and magnanimous neighboring state; and that it can never enter into their policy to discriminate unfavorably against American interests, or seek to contravene in the slightest degree the treaty obligations so happily maintained between the Republic of the United States and the Hawaiian Kingdom. I venture to believe that the perusal of what I have now had the honor to lay before your excellency will convince your Government that this assurance is not vain, and that the complaint of the Pacific Mail Steamship Company is without foundation.

I have, &c.,

WALTER M. GIBSON,
Minister of Foreign Affairs.

His Excellency ROLLIN M. DAGGETT,
United States Minister Resident.

[Inclosure 3 in No. 108.]

Mr. Daggett to Mr. Gibson.

No. 243.] LEGATION OF THE UNITED STATES,
Honolulu, December 13, 1883.

SIR: I have the honor to acknowledge the receipt of your excellency's communication of the 10th instant, in reply to my letter of the 7th, relating to certain exclusive agreements entered into by the Hawaiian Government for the transportation of Chinese laborers to these islands.

You admit the essential facts upon which is based the complaint of the Pacific Mail Steamship Company, but deny that any injustice has thereby been suffered by that corporation, or that any treaty obligation with the United States has been contravened by the Hawaiian Government, either in granting to the Pacific Mail and Occidental and Oriental Steamship Companies the exclusive right to transport Chinese laborers to th eHawaiian Islands, or in less than three months thereafter transferring that privilege to the Oceanic Steamship Company, coupled with an alleged disposition and purpose by the latter to retransfer the franchise in its fullness to a line of exclusively English steamers.

Your excellency refers at some length to the many favors heretofore granted to the Pacific Mail Steamship Company by the Hawaiian Government, and assumes that gratitude should have closed its mouth of complaint. I fail to observe the pertinence of this recital.

The attention of the Hawaiian Government is directed to the exclusive agreement

under notice, not for the benefit solely of the Pacific Mail Steamship Company, but in the interest of any and every American steamship or steamship company capable of properly performing a service from the equal advantages of which they would be unjustly debarred by special concessions. Hence, the favors accorded the Pacific Mail Steamship Company by the Hawaiian Government cannot be considered in connection with the broad question involved, nor can the implied ingratitude of that corporation be avenged upon American commerce or be made the pretext for a violation of treaty obligations.

Your excellency assumes that "the privilege, or rather opportunity, afforded by His Majesty's Government cannot have been of great consequence to the Pacific Mail Steamship Company, since, after enjoying it for four months, they have not availed themselves of the permission nor brought a single Chinese immigrant directly from Hong-Kong to this Kingdom." Although but of small consequence, this assumption, I am persuaded, will be found less tenable if your excellency will consider it in connection with a somewhat more concise statement of the facts, namely, that your letter to His Majesty's consul-general at Hong-Kong, under date of July 14, 1883, giving effect to the agreement with the Pacific Mail Steamship Company, could scarcely have reached that officer before the middle of August, while your note to the Honolulu agents of that company giving notice of a discontinuance of the privilege was dated October 15, 1883.

But, however the annulment of this agreement may have affected the Pacific Mail Steamship Company, your excellency seems to find justification for it in the alleged advantage which would accrue to the Hawaiian Government in the transfer of the service to a line of steamers capable of entering the harbor of Honolulu, and which would "be in every respect a domestic Hawaiian line." Considering that the contract was transferred to a company without steamers to perform the service, and without specific agreement as to the character of the vessels to be constructed or chartered to perform it, and that one of the first acts of that company after securing the contract was to offer it for a consideration to an established line of steamers, the assumed advantages to the Hawaiian Government of the transfer of the agreement can scarcely be regarded as sufficiently substantial to sustain either the breach of a private contract or the violation of a public treaty.

The position assumed by your excellency that neither the sixth nor any other article of the treaty of 1849 has been contravened by the Hawaiian Government in entering into and seeking to give force to these exclusive agreements, the last of which involves its probable transfer to a line of English steamers, does not seem to be in harmony with the second article of that treaty, which provides that "the subjects or citizens of any other state shall not enjoy any favor, privilege, or immunity whatever in matters of commerce and navigation which shall not also at the same time be extended to the subjects or citizens of the other contracting party." Can these stipulations be faithfully observed by the Hawaiian Government in making exclusive contracts with particular lines of vessels for the transportation to these islands of Chinese immigrants—in making exclusive contracts which their holders consider legitimate subjects of barter? It is not enough that a transfer of the contract of the Oceanic Steamship Company to a line of English steamers "is not warranted by any authorization" of the Hawaiian Government. The emergency of the situation would be more completely met by the information that no such transfer would be permitted.

But, in dwelling somewhat upon matters of specific complaint, I fear that I have failed to make clear, as was the purpose in my first communication to you on the subject, the views of my Government in relation to these discriminating contracts or agreements. Permit me now to say, without reference to any alleged breach of contract, that it is not asked that the Pacific Mail and Occidental and Oriental Steamship Companies be restored in their agreement with the Hawaiian Government, since it was entered into in derogation of treaty rights affecting American interests. Nor is the contract with the Oceanic Steamship Company any the less repugnant to treaty obligations existing between the United States and the Hawaiian Government.

The *gravamen* of the matter at issue is not that the contract was taken, either with or without cause, from one company or two companies and given to another, but that such an agreement was made at all. Nor would an exclusive contract with a Hawaiian company be admissible, since the according of an exclusive and discriminating privilege in the premises to any one company owning a particular line of ships, whether American, Hawaiian, or foreign to both countries, is believed to be unjust, and, I am instructed to say, inconsistent with the due maintenance of the treaty of 1849.

It will gratify me to learn that these views accord so closely with those of His Majesty's Government that it will feel it an act of justice, as well as friendship, to the people of the United States to set aside as unauthorized any discriminating agreement now existing for the exclusive transportation of Chinese immigrants to the Hawaiian Islands.

I have, &c.,

ROLLIN M. DAGGETT.

[Inclosure 4 in No. 108.]

Mr. Gibson to Mr. Daggett.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, December 19, 1883.

SIR: I have the honor to acknowledge the receipt of your excellency's dispatch of 13th instant, replying to mine of the 10th, and restating the views of your Government that the arrangement existing between His Majesty's Government and the Pacific Mail Steamship Company, and that which it is contemplated to make with the Oceanic Steamship Company, for the purpose of the regulation of immigration of Chinese laborers into this Kingdom, is repugnant to treaty obligations existing between the United States and this country.

Your excellency refers to the arrangement with the Pacific Mail Steamship Company, which was a permission revokable at will, as one of binding obligation, and speaks of the recall of a temporary permission, after giving due notice, as a "breach of contract." This arrangement or permission, which is contained in a letter of which I annex a copy (the only authoritative assurance on the subject given to the Pacific Mail Steamship Company), will not, I feel assured, bear such a construction; and I respectfully submit to your excellency that in this matter there has been no agreement or mutual obligation entered into between two contracting parties, and consequently no breach of contract. If the phrase "breach of contract" were admissible in connection with this matter, it would have to be read the other way, since the Pacific Mail Steamship Company, after making frequent application to His Majesty's Government for leave to bring Chinese laborers into the Kingdom, and promising to do so, have failed to bring any, notwithstanding permission to do so of long standing.

There is one point to which your excellency recurs on several occasions, which I think should have no place in the discussion, and that is an alleged probable transfer to a line of English steamers of privileges which are said to be conceded by His Majesty's Government to the Oceanic Steamship Company. I append herewith copy of the letter to the Oceanic Steamship Company which is the sole warrant or authority for a supposed transferable contract, agreement, or concession from the Government to the company, and I think your excellency will agree with me that the permission assured in this letter is in no sense a negotiable "franchise." Now, insomuch as the Pacific Mail Steamship Company hold at this time a privilege exactly similar to that which has, under conditions, been promised to the Oceanic Steamship Company, no one should know better than the managers of the former company that the privilege they hold is not of a nature to be transferred. A complaint, therefore, from them about an alleged disposition or purpose on the part of the Oceanic Steamship Company to transfer or barter away an identical privilege or permission, is not a complaint against this Government, and should have no place in the discussion of the international question which your excellency brings forward.

In general reply upon the gravamen of the question as presented by your excellency, I have the honor to say that His Majesty's Government recognize that the regulation of immigration, especially of the immigration of Chinese male laborers, into this Kingdom, is a measure of vital national importance, and that such regulation is not repugnant to any treaty obligation, and this I am satisfactorily assured by your excellency is the view of the Government of the United States. Now, the method which has been selected for the exercise of this right cannot be called in question unless it can be clearly shown that it contravenes the actual covenants of a treaty. It is entirely in connection with immigration that the discrimination complained of has been made, and for the purpose of controlling the sanitary conditions of such immigrations.

The circumstances that must regulate immigration in the case of Hawaii are extremely different from those which obtain in the United States, where vast territories still wait to be peopled. It is necessary very closely to control the immigration to this country, both as to its character and its numbers, and this is more especially the case in regard to the influx of Chinese. For a while an immigration of Chinese, composed almost exclusively of men, assumed the character of an invasion, and His Majesty's Government found it necessary to put a stop to it peremptorily. Subsequently evidence was submitted that the Chinese laborers whose engagements on our plantations had expired were returning to their own country at the rate of about two thousand annually, and His Majesty's Government then decided to permit a limited and regulated immigration of about six hundred Chinese laborers every three months, calculated to replace those that were leaving. In the exercise of their right His Majesty's Government selected the persons who should be allowed to manage this immigration of Chinese laborers, as it has done in the case of the immigration of laborers and settlers of other nationalities.

The Government has not for several years past deemed it wise to create establishments of its own in other countries for the selection of immigrants, but has from time

to time empowered responsible persons to make suitable selection, and to provide for the transportation of immigrant passengers to these islands, under engagements or otherwise, as the case might be, and with free passages or otherwise. In this manner large numbers of people have been brought here from the Portuguese dominions, from Germany, Norway, and the islands of the Western Pacific.

Circumstances to which I have already alluded have shown the imperative necessity for placing the immigration of Chinese upon the same footing. The arrangements that have been made to secure this end are entirely similar in their character to those by which other immigration has been conducted. In selecting influential corporations like the Pacific Mail Steamship Company and the Oceanic Steamship Company to conduct this immigration, His Majesty's Government have been actuated by the same motives as guided them in the choice of agents who have managed other immigrations, viz, the desire to deal with responsible persons who have too much at stake to misconduct the work intrusted to them, and who will comply with the wishes of this Government in all such matters as the numbers to be brought, the arrangements to be made with the immigrants, and the sanitary precautions to be taken on the voyage and on arrival.

I respectfully submit to your excellency that such arrangements made for the regulation and control of immigration are entirely within the rights of this Government. It is no favor, privilege, or immunity in connection with the ordinary course of commerce and navigation, but an arrangement made by the Government for the conduct and management of affairs which belong exclusively to the domestic interests of the Kingdom. I cannot understand how such discrimination in the carrying out of a national measure of vital importance can be regarded as a violation of treaty obligation. If such were the case, a certain discrimination, heretofore deemed properly warranted, such as the payment of subsidies to steam vessels belonging to United States citizens which trade to our ports, and compete with the sailing vessels, equally the property of Americans, which receive no subsidy, must be regarded as in contravention of treaty obligations; and, pursuing the inference to its just conclusion, so might any contract made by this Government for the transport of cargo the property of the Government be regarded as a discrimination not warranted by treaty.

I beg to say in conclusion that His Majesty's Government have not made a contract or granted a franchise in connection with Chinese immigration capable of being subject to transfer or barter; that they claim the right to regulate measures taken for the repopulation and industrial development of the Kingdom; and I respectfully submit that the views on the question presented by your excellency, and in which you invite His Majesty's Government to coincide, have been entertained and brought forward under a misconception of the nature of the arrangements entered into and of the circumstances which have guided the action of the Government. I hasten, however, to give the assurance to your excellency that His Majesty's Government, recognizing the fairness and impartiality of the Government of the United States in the treatment of international questions, is anxious to meet the views of your Government, and will, on being convinced that its action even implies the infraction of any article of a treaty with the United States, at once take such steps as will obviate the fact or the implication.

I have, &c.,

WALTER M. GIBSON.

His Excellency ROLLIN M. DAGGETT,
United States Minister Resident, &c.

[Inclosure 1 in inclosure 4 in No. 108.]

Irwin & Co. to Mr. Gibson.

HONOLULU, H. I., *October* 8, 1883.

SIR: We, the undersigned agents for the Oceanic Steamship Company, desire to call your excellency's attention to the subject of transportation of Chinese passengers from Hong-Kong and other Asiatic ports to Honolulu under Government permission and regulation.

The company are about to place on the route between the ports of this Kingdom and those of Japan and other Asiatic states a line of first class-vessels, fully equal, if not superior, to the Mariposa and Alameda, vessels of their line now plying between the ports of San Francisco and Honolulu. These new vessels will be fitted up in the best manner for the safe and comfortable transportation of immigrant passengers, and will be placed under regulation calculated to insure the best sanitary welfare of such

passengers. This line will be virtually a domestic Hawaiian line; therefore, we ask of the Government, in the exercise of its discretion in the control of immigrant Chinese passenger transportation, that it will extend to our company such opportunity for the transportation of Chinese and other Asiatic immigrants as may be within the discretion of the Government, and such as may appear justly warranted by the superiority of the accommodations and conditions our company offer.

We are, &c.,

WM. G. IRWIN & CO.,
Agents Oceanic Steamship Company.

[Inclosure 2 in inclosure 4 in No. 108.]

Mr. Gibson to Irwin & Co.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, October 12, 1883.

GENTLEMEN: I beg to acknowledge receipt of your letter of the 8th instant, in which, on behalf of the Oceanic Steamship Company, you propose to establish a new line of steamships, equal, if not superior, to the Mariposa and Alameda, to run between the ports of Honolulu and Hong-Kong and other Asiatic ports, stating that said line of vessels will be "virtually a domestic Hawaiian line," and you ask of the Government to "extend to the company such opportunity for the transportation of Chinese and other Asiatic immigrants of this Kingdom as may appear justly warranted by the superiority of the accommodations and conditions which the company offers."

I have the honor to say in reply, by authorization of His Majesty in cabinet council, that in the event of the Oceanic Steamship Company placing in service, for the accommodation of Chinese and other Asiatic immigrant passengers to this Kingdom, a superior new line of vessels which will be virtually a domestic Hawaiian line, that His Majesty's Government will extend to your company all the opportunity for the transportation of such immigrant passengers as may be within the discretion of the Government, and such as will be justly warranted by the superiority of the accommodations and conditions which your company offers.

I have the honor, furthermore, to say and to agree, in reply to a verbal statement made by your firm, that in the event of the Oceanic Steamship Company placing on the said route, at an early date, and in advance of the construction of the new vessels, chartered steamships of a superior class and well equipped and organized for the immigration service, to confirm at once to the company, on the arrival of the pioneer of such line in the port of Honolulu, all privileges and opportunities affecting the transportation of Chinese immigrant passengers within the discretion of the Government.

I have, &c.,

WALTER M. GIBSON.

No. 198.

Mr. Daggett to Mr. Frelinghuysen.

No. 110.] LEGATION OF THE UNITED STATES,
Honolulu, December 22, 1883. (Received January 12.)

SIR: I have the honor to inform you that since the issuance of a writ of mandamus restraining the minister of finance from exchanging Hawaiian 6 per cent. bonds for Hawaiian silver coins at their face value, a resolution has been passed by the privy council recognizing such coins as legal tender, "in like manner as silver coins of the United States of like denomination"; and the collector-general of customs has been instructed to accept in the payment of customs duties only United States gold coin or its equivalent. This instruction accords with a law of 1876, which has not been enforced.

I am, &c.,

ROLLIN M. DAGGETT.

No. 199.

Mr. Daggett to Mr. Frelinghuysen.

No. 116.] LEGATION OF THE UNITED STATES,
Honolulu, January 15, 1884. (Received January 29.)

SIR: In relation to the Hawaiian coinage and bond question, to which reference was made in my dispatches Nos. 106 and 110, I have the honor to inform you that a full bench of the supreme court has decided that a mandamus was not a proper writ to restrain the minister of finance from exchanging Hawaiian 6 per cent. bonds for Hawaiian silver currency. Thereupon, to the same end, an injunction was applied for; but it was denied, for the reason that the minister of finance, in his answer, disclaimed any intention to issue the bonds for the consideration objected to by the petitioners. The position of the petitioners has been substantially sustained, however, in the assumption by the court that the face value of the new Hawaiian silver coins does not represent the "par value," for which the bonds can alone be exchanged. In the mean time an additional $180,000 in Hawaiian subsidiary silver coins arrived here on the 8th instant, making $300,000 in all. Mr. Claus Spreckels also arrived from San Francisco at the same time. Reasonably, Mr. Spreckels is by no means disconcerted at the judgment of the supreme court. As the privy council has given to the coinage a legal-tender value, he can use the million dollars he is authorized to coin more advantageously in the payment of plantation expenditure than in exchanging the coin for Hawaiian bonds, especially since the large seigniorage of the coinage accrues to Mr. Spreckels alone.

Should the Government find itself unable to purchase these coins, they may readily be put in circulation by a branch of the Anglo-California Bank of San Francisco which is about to be established here under the firm-name of Spreckels & Co.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 200.

Mr. Frelinghuysen to Mr. Daggett.

No. 47.] DEPARTMENT OF STATE,
Washington, February 2, 1884.

SIR: Referring to my instruction No. 38, of the 15th of November last, in relation to the exclusive privileges recently granted by the Government of Hawaii to the Oceanic Steamship Company, an American line, with regard to carrying and landing of Chinese immigrants, I have now to acknowledge the receipt of your dispatch No. 108, of the 21st of December, on that subject.

In my No. 38, just referred to, you were directed to present the subject to His Hawaiian Majesty's Government in the most friendly spirit, believing as the President then did, and still believes, that the mere suggestion of the matter would at once commend to the justice and friendly feeling of His Hawaiian Majesty toward this Government the propriety of such measures as might be found necessary, remedial, and precautious in regard to the unjust discrimination complained of.

I have read with careful attention the correspondence on the subject between Mr. Gibson, the Hawaiian minister for foreign affairs, and yourself, and, as it appears to this Government, the real question in the case has been misconceived by Mr. Gibson. That question is not the grievance or complaint of the Pacific Mail Steamship Company or of any other American line of steamships, nor the relative rights of such lines, although these questions may be incidentally involved. It is an international question between the two Governments, involving the true construction or interpretation of the sixth article of the treaty of the 20th of December, 1849. For the sake of precision I again quote that article, which reads:

> Steam-vessels of the United States which may be employed by the Government of the said States in the carrying of their public mails across the Pacific Ocean, or from one port in that ocean to another, shall have free access to the ports of the Sandwich Islands, with the privilege of stopping therein to refit, to refresh, to land passengers and their baggage, and for the transaction of any business pertaining to the public mail service of the United States, and shall be subject in such ports to no duties of tonnage, harbor, light-houses, quarantine, or other similar duties, of whatever nature or under whatever denomination.

Nothing can be clearer or plainer than the wording of this article. Steam vessels of the United States means all steam vessels of the United States, with the single qualification that they shall be employed in carrying the mails of the United States, all such vessels, no matter of what line, are equally entitled in the ports of Hawaii to all the privileges stipulated for and secured by the terms of that article. If the immigration of the subjects of China into Hawaii is prohibited by the laws of the latter Kingdom, as Hawaii has, of course, a perfect and complete sovereign right to do, then all American steamships, of whatever line, are bound to respect such prohibitory law. If, on the other hand, Chinese immigrants are permitted to come to Hawaii, either indiscriminately or in limited numbers, or under any other conditions that may be imposed by the laws or regulations of that Kingdom, then such immigrants are passengers within the meaning of the article of the treaty which I have quoted, and all American steamships carrying the mail possess an undoubted right, under the stipulations of the treaty, to take them as passengers and to land them in any of the ports of Hawaii in accordance with such stipulations. To say that Hawaiian vessels shall alone have the right to carry such passengers would be a discrimination against American vessels; to say that the ships of a nation foreign to both the United States and Hawaii shall enjoy such exclusive right would be equally a discrimination against American steamers; and to say that one particular line shall possess such exclusive carrying privilege, to the exclusion of all other American lines or steam vessels of this country, would be no less a discrimination against American steam vessels, and would be held by this Government to be a violation of the plain letter of the sixth article of the treaty of 1849. Such an interpretation of the treaty as would permit any of these discriminations to be put in force and practice by the Government of Hawaii is one that this Government could not for a moment assent to, and yet that is the interpretation which, by fair and irresistible inference, the argument of Mr. Gibson seems to demand for it.

This Government seeks no exclusive privilege for the Pacific Mail Steamship Company. On the contrary, it would be equally as ready to denounce any such exclusive privilege granted to that line at any time in the future as it is now to denounce the unjust discrimination in favor

of the Oceanic, which is also an American line. What it does demand is that all American steamships, of whatever line, shall, with respect to the carrying trade and within the limitations of the sixth article of the treaty of 1849 between the two Governments, be placed on a basis of impartial equality with each other, with the vessels of the most favored nation, and with the vessels of the Hawaiian Kingdom. This is the only interpretation of the treaty that seems just to the President, and the only one he is prepared to assent to. Neither the question of sanitary measures nor the rights of any particular line of American steamships are involved, and in your future correspondence with the minister for foreign affairs of Hawaii you will carefully avoid and respectfully decline any discussion on these two latter points. The sole question in the present contention is that the exclusive privilege now already or about to be granted to the Oceanic Line is conceived by this Government to be an unjust discrimination against all other American steamships carrying the mails between the eastern and western shores of the Pacific Ocean; that it is in contravention of the letter and spirit of the article of the treaty referred to; and the President hopes, as he believes, that the Government of Hawaii, noted no less for its high intelligence than for its sense of justice, will speedily adopt the proper measures to rescind the privilege, if granted, and if not granted, to prevent its fulfillment.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 201.

Mr. Daggett to Mr. Frelinghuysen.

No. 122.] LEGATION OF THE UNITED STATES,
Honolulu, February 15, 1884. (Received February 29.)

SIR: As the legal-tender value of Hawaiian as well as American silver coinage is limited in the Hawaiian Islands, and as Mr. Spreckels, under his contract with the Government, has already put in circulation here $300,000 in half and quarter dollars of Hawaiian mintage, with the probability of adding $700,000 more, partly in silver dollars and partly in subsidiary coinage, the Honolulu Chamber of Commerce has addressed a communication to his excellency the minister of finance, asserting that a greater excess of silver would operate as an embarrassment to business, and asking, in substance, that no further introduction of Hawaiian silver be allowed without a proportionate withdrawal of other silver coins. (Silver coins are legal tender to the extent of 50 per cent. on a hundred dollars, 25 per cent. between a hundred and a thousand dollars, and 15 per cent. on all sums in excess of $1,000.) A committee from the Chamber of Commerce also waited upon the ministry in the same behalf, and received an assurance from the minister of foreign affairs that the matter would be accorded the careful consideration of the cabinet.

I am, &c.,

ROLLIN M. DAGGETT.

No. 202.

Mr. Daggett to Mr. Frelinghuysen.

No. 132.] LEGATION OF THE UNITED STATES,
Honolulu, March 15, 1884. (Received March 31.)

SIR: I have the honor to inform you that the Hawaiian minister of foreign affairs has at length been enabled to make such changes and concessions in relation to the granting of special contracts for the transportation of Chinese laborers to these islands as will harmonize substantially with the interpretation of the treaty of 1849 which I was instructed to present to His Majesty's Government.

Following the receipt of your dispatch of February 2, 1884 (No. 47), I resumed my correspondence on the subject with His Majesty's minister of foreign affairs, and, with an emphasis warranted by more definite instructions, again advised his excellency of your interpretation of Article VI of the treaty of 1849, and asked His Majesty's Government to take such measures as might be necessary to relieve American steamships carrying the United States mails of the discrimination against them involved in the continuance of existing or the making of future contracts according to particular lines of steamships the exclusive privilege of bringing Chinese laborers or passengers to the Hawaiian Islands. A copy of this letter, bearing date of March 5, 1884, I have the honor to inclose herewith.

On the 13th instant I was favored with a reply from the minister of foreign affairs, a copy of which I also inclose. His excellency conveys the information that no steamship company holds or has lately held any authorization to transport Chinese laborers to the Hawaiian Islands. This will occasion no surprise when it is remembered that the contract with the Pacific Mail Steamship Company, by previous notification of the Hawaiian Government, ceased on the 1st of January last, and that the Oceanic Steamship Company, or Mr. Spreckels, to whom the privilege was to have been transferred, is still without steamers to perform the service.

Without fully abandoning its position respecting its right, under its treaty covenants with the United States, to make exclusive contracts for the transportation to these islands of limited numbers and specified classes of Chinese immigrants, the Hawaiian Government has met the emergency with an order, followed with corresponding instructions to its representatives abroad, to the effect that Chinese immigrants in excess of twenty-five in any one vessel will not be admitted hereafter into the Hawaiian Kingdom, and his excellency gives assurance that, pending the consideration of the subject of Chinese immigration by the next Legislative Assembly, "no permits are or will be issued to any steamer lines giving them any exclusive privilege in regard to the transportation of Chinese immigrant laborers from Hong-Kong or elsewhere to this Kingdom."

As the enforcement of these regulations in good faith will put an end to Chinese immigration, as well as to the discrimination complained of in connection with it, I shall be pleased to be confirmed in the judgment that a further discussion of the subject at this time is unnecessary.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

[Inclosure 1 in No. 132.]

Mr. Daggett to Mr. Gibson.

No. 248.] LEGATION OF THE UNITED STATES,
Honolulu, March 5, 1884.

SIR: Referring to your letter of the 19th of December last, relating to the granting by the Hawaiian Government of special and exclusive privileges to the Oceanic Steamship Company in the transportation of Chinese laborers to these islands, I have the honor to advise your excellency that I am now possessed of the specific conclusions of my Government on the subject, with a full consideration of the correspondence in connection therewith between your excellency and this legation.

Without reviewing the entire ground covered by the controversy, I beg respectfully to say that the right claimed by your excellency for Hawaii, under its treaty relations with the United States, to grant exclusive privileges for the transportation of Chinese passengers to these islands, either for sanitary or other reasons, cannot be admitted by my Government. As has already been brought to your excellency's attention, the real question involved is not the grievance of the Pacific Mail Steamship Company or of any other American line of steamships, nor the relative rights of such lines, however they may be incidentally affected.

It is strictly an international question between the two Governments, involving the construction or interpretation of Article VI of the treaty of 1849, which guarantees to "steam-vessels of the United States" carrying its mails the right to freely enter Hawaiian ports and "land passengers and their baggage." All steam-vessels of the United States carrying its mails are entitled to this privilege, without regard to the lines to which they may belong.

The sovereign right of Hawaii to prohibit the immigration of Chinese to its shores is not questioned, and American steamships, of whatever line, would be bound to respect such prohibition; but if Chinese immigrants are permitted to come to Hawaii, either indiscriminately or in limited numbers, or under any other condition that may be imposed by the laws or regulations of the Kingdom, then such immigrants are passengers within the meaning of Article VI of the treaty of 1849, and all American steamships carrying the mails possess an undoubted right to take and land them as passengers in any of the ports of Hawaii, in accordance with treaty stipulation.

To accord an exclusive right to carry such passengers either to Hawaiian vessels, to vessels of a nation foreign to both the United States and Hawaii, or to vessels of any particular line, whether American, Hawaiian, or foreign, would be equally a discrimination against American steam-vessels, and would be held by my Government to be a violation of the plain letter of Article VI of the treaty of 1849; and neither would my judgment counsel nor my instructions permit me to assent to an interpretation giving warrant to any such discrimination.

I beg again to assure your excellency that no exclusive privilege is claimed for the Pacific Mail Steamship Company. On the contrary, the granting of such a privilege to that or any other line would be quite as objectionable as the discrimination now sought to be made in favor of the Oceanic Steamship Company.

What is asked is that all American steamships, of whatever line, shall, with respect to the carrying trade and within the limitations of treaty provisions, be placed on an equality with each other, with the vessels of the most favored nation, and with the vessels of the Hawaiian Kingdom. This is the only interpretation of the treaty which seems to be just; the only interpretation which my Government is prepared to assent to; and in connection with it the question of sanitary measures or the rights of any particular line of steamships cannot be considered. The treaty must be interpreted in harmony with its spirit and its language, and so long as its provisions are held to be binding the observance of its covenants cannot justly or in good faith be contravened or modified by either party to meet a sanitary or other emergency.

To state the point directly, the exclusive privilege already or about to be granted to the Oceanic Steamship Company is conceived by my Government to be an unjust discrimination against all other American steamships carrying the mails between the eastern and western shores of the Pacific Ocean; that it is in contravention of the provisions of the treaty of 1849; and the President hopes, as he believes, that the Hawaiian Government, noted no less for its high intelligence than for its sense of justice, will speedily adopt the proper measures to rescind the privilege, if granted, and if not granted, to prevent its fulfillment.

I have, &c.,

ROLLIN M. DAGGETT.

[Inclosure 2 in No. 132.]

Mr. Gibson to Mr. Daggett.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, March 13, 1884.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of the 5th instant, replying to mine of December 19, conveying to me the specific conclusions of the Government of the United States on the subject of exclusive privileges connected with the transport of Chinese laborers to these islands, to the effect that the right claimed by this Government to grant such exclusive privileges, either for sanitary or other reasons, involves a violation of treaty stipulations.

In my dispatch of January 4, which was accompanied by a copy of a letter to His Majesty's consul-general at Hong Kong, I had the honor to inform your excellency that no instruction had been sent to authorize any line of steamers, to transport Chinese immigrant laborers to these islands, and at the present time no such authorization exists. Any attempt on the part of any line of steamers to introduce such immigrant laborers is wholly without the warrant of permission or instruction from His Majesty's Government.

His Majesty fully appreciates the assurances coming from the Government of the United States that the sovereign right of His Majesty's Government to restrict or inhibit Chinese immigration remains unquestioned.

This immigration cannot be regarded in the same light as ordinary passenger travel such as was contemplated when the treaty of 1849 was negotiated.

His Majesty's Government would not think, even without treaty obligations, of imposing restrictions on ordinary passenger traffic to this Kingdom; but a passenger traffic composed exclusively of male laborers, entirely without means, who show no disposition for settlement or assimilation abroad, is of such a character that the great American Republic itself has found it expedient, as Hawaii now does, to have a complete control of such traffic or immigration. Without such control there would in the case of this country be danger to its autonomy.

Therefore, His Majesty's Government, confirming a resolution of His Majesty in cabinet council of July 13, of last year, have placed in the control of this Department the regulation of Chinese immigration, and I have the honor to inform your excellency that an order has been issued and communicated to His Majesty's diplomatic and consular representatives at Washington, San Francisco, and elsewhere, that Chinese coming here (not already furnished with official permits) in numbers exceeding twenty-five in any one vessel will not be allowed entrance into this Kingdom. Meantime the whole subject of Chinese immigration will be submitted to the Legislative Assembly at its approaching session with the view of obtaining new and decisive legislation upon the subject. I have therefore the honor to inform your excellency that in the mean time no permits are or will be issued to any steamer lines giving to them any exclusive privileges in regard to the transportation of Chinese immigrant laborers from Hong Kong or elsewhere to this Kingdom.

I have, &c.,

WALTER M. GIBSON.

No. 203.

Mr. Daggett to Mr. Frelinghuysen.

No. 135.] LEGATION OF THE UNITED STATES,
Honolulu, March 26, 1884. (Received April 16.)

SIR: In my dispatch of the 15th instant (No. 132) I referred to recent regulations of the Hawaiian Government limiting Chinese immigration to twenty-five in any one vessel, a measure manifestly designed to put an end to a further increase in the Chinese population of these islands. I have the honor to inclose herewith a copy of these regulations, as officially published.

On the 9th of April, 1883, the cabinet in council adopted a resolution protesting against, and taking steps to prevent, a further influx of Chinese male laborers to the Hawaiian Islands.

At the solicitation of planters this resolution was rescinded on the 13th of July, 1883, and another adopted in its stead, authorizing an

immigration of Chinese laborers to the limit of 600 in any three months. The latter resolution has now given place to regulations restricting such immigration to 25 in any one vessel.

As this limit will not warrant the touching of San Francisco and Hong-Kong steamers at Honolulu, very few Chinese immigrants may be looked for under existing regulations. Under the 600 limit, however, more than 1,000 have arrived during the past two weeks, and as many more are expected.

As these large shipments are plainly in excess of the prescribed limit, it is not improbable that an attempt to land any considerable number more may be resisted by the Government.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

[Inclosure in No. 135.]

(By authority.)

FOREIGN OFFICE NOTICE.

Regulations for admission of Chinese immigrant laborers into the Hawaiian Kingdom, made and published under the authority of a resolution of His Majesty in cabinet council, passed on the 13th day of July, 1883.

No. 1. From this date permission will be granted to masters of vessels arriving at the port of Honolulu to land Chinese immigrant laborers not exceeding twenty-five in all from any one vessel, that number to be in addition to and exclusive of any Chinese passengers who may hold passports as provided for in regulation No. 2.

No. 2. Passports enabling their holders to enter the ports of the Kingdom may be issued from the foreign office, Honolulu, or by His Majesty's consul-general at Hong-Kong—

1. To any Chinese resident in this Kingdom who may desire to visit any foreign country and return therefrom.

2. To the wives or other female relatives and to the children of Chinese now residing in the Kingdom, or who may be about to emigrate to this country under the provisions of regulation No.1.

No. 3. A fee of $1 shall be charged for each passport issued in pursuance of the foregoing regulation.

No. 4. All orders and instructions regulating Chinese immigration to this country heretofore issued from this office are hereby canceled.

WALTER M. GIBSON,
Minister of Foreign Affairs.

FOREIGN OFFICE,
Honolulu, March 25, 1884.

No. 204.

Mr. Daggett to Mr. Frelinghuysen.

No. 138.] LEGATION OF THE UNITED STATES,
Honolulu, April 14, 1884. (Received April 29.)

SIR: I have the honor to inclose herewith a copy of a communication from the Hawaiian minister of foreign affairs in relation to the several orders issued since last June for the regulation of Chinese immigration to these islands. These orders (copies of which I have from time to time transmitted to you) provided—

(1) For an entire suspension of Chinese immigration;

(2) For a Chinese immigration embracing both sexes to an extent not exceeding 600 in any three months; and

(3) Restricting such immigration to 25 in any one vessel.

A copy of the latter order was an inclosure in my dispatch of March 26 last, No. 135.

With the arrival from Hong-Kong of the steamship Arabic on the 10th instant, with between 500 and 600 Chinese laborers, it is announced by the official organ of the Government that all immigration authorized by the second order above referred to has ceased, and until further notice the existing regulation (25 in any one vessel) will be enforced.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

[Inclosure in No. 138.]

Mr. Gibson to Mr. Daggett.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, April 3, 1884.

SIR: In my letter of 13th ultimo, dealing with the subject of the Pacific Mail Steamship Company's complaint, I had the honor to inform your excellency that an order had been issued, and communicated to His Majesty's diplomatic and consular representatives at Washington, San Francisco, and elsewhere, that Chinese passengers coming here (not already furnished with official permits) in numbers exceeding twenty-five in any one vessel will not be allowed entrance into the Kingdom.

I now have the honor to transmit a copy of regulations for the admission of Chinese immigrant laborers, embodying the provisions above alluded to, which have been made and published under the authority of the resolution of His Majesty in cabinet council referred to in my letter already quoted.

In doing so I deem it right to address to you, as the representative of a friendly power which always manifests a kindly interest in the welfare of this Kingdom, a few remarks upon the circumstances which have led the Government to issue these regulations.

In April of last year I had the honor to send you a copy of a resolution of His Majesty in cabinet council, passed in consequence of the extraordinary influx of Chinese men into the country, with the prospect of an injurious increase.

The terms in which you expressed to me your satisfaction at the course taken by the Government assure me that it is not necessary to enlarge upon the undesirability of permitting large numbers of male Chinese to be added to our small population, of which their countrymen already form so large a part, and in which the disproportion of the sexes, chiefly caused by importation of Chinese men, is so very great. The protest made at that time by the Government had the effect of stopping the immigration against which it was directed. At a later period of the year, however, such representations were made by the employers of labor here as led the Government to feel, that it would be well to allow small numbers of Chinese laborers to be brought in from time to time to supply the places of those who return to their native country. An exclusive leave was then granted to the companies running regular lines of steamers between China and San Francisco to bring in this limited number of laborers. Subsequently another company proposed to establish a Hawaiian line of steamers to ply between Honolulu and Asiatic ports, and to encourage such an important domestic enterprise the Government promised the privilege of carrying Chinese immigrant laborers to this country to the new line in the event of its establishment. Notice was then given (under date of October 15, 1883) to the agents of the Pacific Mail Steamship Company and the Oriental and Occidental Steamship Company that their permission to bring such passengers here would cease on the 1st of January of this year. The Pacific Mail Steamship Company, regardless of the action of the Government and of the strong public feeling which exists here on the subject, made arrangements to bring to Honolulu between two and three thousand Chinese male laborers within the space of a few weeks. Their example has apparently encouraged other ship-owners to attempt the same course, since, according to the information furnished to the Government, at least one other steamship (not belonging to any established line) is on the way here with a full complement of passengers of the same class.

Under these circumstances the Government deemed it desirable, pending the meeting of the Legislative Assembly, to make and publish new regulations for the control of this traffic, instead of reverting to the absolute prohibition of last year. The Pacific Mail Steamship Company had already in February last been informed that whilst small numbers of Chinese males arriving here in their boats via San Francisco, even up to 100 at a time, would not be interfered with, any larger numbers would be

treated specially, and, if admitted at all, the men would be subjected to a period of quarantine and their effects to fumigation; and the company were further informed that any attempt to bring Chinese coolies in ship-loads would certainly be met by a positive refusal to allow landing.

On the 15th of last month a copy of regulations almost identical with those I now forward you was sent to San Francisco, and would be immediately communicated to the Pacific Mail Steamship Company, with the intimation that His Majesty's consul-general at Hong-Kong had received notice by cable of the intention of this Government positively to resist the immigration of coolies. That company has therefore had the most ample warning of the wishes and intentions of the Government. The landing of the Chinese who arrived by the steamers City of Rio de Janeiro and City of Tokio was nevertheless acquiesced in by the Government, because their passengers were represented to have been contracted for previous to the expiring of the permission which the Pacific Mail Steamship Company formerly held. But as that permission expressly stipulated that not more than 600 Chinese laborers should be introduced into the country in any period of three months, there is no valid reason for any further acquiescence. The bringing here in rapid succession of parties of several hundreds of coolies is manifestly an open defiance of the wishes and of the rights of the Government and people of this Kingdom.

In conclusion I have to state that measures dealing with the whole subject of Chinese immigration will be submitted for the consideration of the Legislative Assembly at its approaching session.

With the assurance of my highest consideration,

I have, &c.,

WALTER M. GIBSON.

His Excellency ROLLIN M. DAGGETT,
United States Minister Resident.

No. 205.

Mr. Daggett to Mr. Frelinghuysen.

No. 144.] LEGATION OF THE UNITED STATES,
Honolulu, April 30, 1884. (Received May 17.)

SIR: The biennial report of the minister of finance has been submitted to the Legislature, embracing statements in detail of the receipts and expenditures of the Hawaiian Government for the two years ending March 31, 1884, and estimates of the same for a like period ending March 31, 1886.

As soon as the report, now printed in an almost unintelligible form, shall have been corrected, copies will be forwarded to you, together with such other department reports as may be presented. Meantime I beg to lay before you a brief synopsis of what is shown by the minister of finance in his biennial communication.

The cash receipts of the Hawaiian Government from all sources excepting loans, for two years' ending March 31, 1884, were considerably less than the expenditures for that period. By these expenditures were absorbed, less $2,220.42 in the treasury March 31, 1884, the following funds:

Legitimate receipts	$2,423,185 42
Loans	668,900 00
Cash in the treasury March 31, 1882	126,541 05
Total	3,218,626 47
The total expenditures were	3,216,406 05
Balance in treasury March 31, 1884	2,220 42

From which it will be seen that for the two years ending March 31, 1884, the expenditures of the Government, $3,216,406.05, exceeded the actual receipts, $2,423,185.42 (deducting loans, $668,900, and the difference in the cash balances of 1882 and 1884, $124,321.63, to the large amount of $793,220.63.

It is gratifying to note, however, that the estimates of expenditures

for the two years ending March 31, 1886, are placed at nearly $1,000,000 below the outlays for the preceding biennial period, and $65,027.08 within the estimated receipts. The receipts are estimated at $2,336,870.42 and the expenditures at $2,271,843.34.

The principal reduction is made in the interior department, which during the past two years expended $473,050.86 for the encouragement of immigration, and as much more, perhaps, in public works and improvements.

No further appropriations are asked for the encouragement of immigration, and public works will be sparingly undertaken.

Should the Legislature manifest a similar spirit of retrenchment, complaints of extravagance will cease, and there will be less to inspire a larm at the financial outlook of the Kingdom; but this movement in the direction of economy has come none too soon, for the public debt, which on the 31st of March, 1882, was $299,200, had reached $898,800 on the 1st of April, 1884, and is now $1,048,800, $150,000 of bonds of the two million loan having been sold since the latter date.

The amount of interest already paid annually is $74,468, and a further increase of the burden is not warranted by any reasonable estimate of the future of these islands. Under the operations of the reciprocity treaty, almost every industry in the Kingdom has prospered greatly during the past seven years. Real property values have advanced from two to ten fold, and general extravagance has been the natural result. It seems that the inevitable reaction of overtrading and overvaluation is now about to follow, largely assisted by what it is not too emphatic to call a calamitous decline in the price of the prominent product of the country—sugar; and the commercial depression with which the islands are threatened calls for the strictest economy in the conduct of the Government. Under the circumstances a further increase in the public indebtedness of the Kingdom, which is in effect a charge upon the sugar industries of the islands, two-thirds of which are sustained by American enterprise and capital, would be alike reckless and unjust, and it is hoped that the two million loan act of the last Legislative Assembly may be repealed before any considerable amount of the remainder of the unsold bonds now in the market can be disposed of.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 206.

Mr. Daggett to Mr. Frelinghuysen.

No. 151.] LEGATION OF THE UNITED STATES,
Honolulu, May 31, 1884. (Received June 14.)

SIR: The commercial and general business outlook of the Hawaiian Islands has been regarded with increasing uneasiness during the past four or five months, and serious financial troubles in the near future are predicted.

This condition is due to a steady decline in the prices of raw sugars since the beginning of the year, and to the notorious extravagance and loose management of a majority of the sugar-planters.

The most of the plantations are heavily encumbered with indebtedness, paying interest at rates varying from 8 to 12 per cent. per annum and compounding quarterly.

As nearly all the available acreage of the islands has been given to cane, other agricultural industries have been neglected, until almost everything consumed, excepting rice, fruits, fresh meats, and garden products, comes from abroad. This has enhanced the general expenses of living, and impelled a corresponding increase in labor rates, which it is hopeless to expect immigration to more than temporarily affect. Hence, while plantation expenses, even with the practice of unusual economy, have been tending upward for some months, the price of sugar has been steadily declining, until it has become a question whether, taking the plantations as a whole, sugar can be produced and sold without loss at current market rates, even with the advantage of free entry into United States ports.

The increased and apparently increasing production of beet sugar in Europe, the opening of competing sugar areas in Mexico, and the growing possibilities of sorghum are all circumstances favorable to a further decline in the price of the commodity to which these islands owe their commercial standing, and planters, as well they may, are watching the market with feverish anxiety.

Hawaiian raw sugars, which two years ago were worth from $130 to $140 per ton in San Francisco, are now begging sale at $95 and $97.50. This means about $80 net per ton to the planter. Can he produce sugar without loss at that price? With plantations free from debt and carefully managed, a small profit might possibly be realized at present prices; but few of them are in that condition, and the indications are that many of them will be lost to their owners for their mortgages, while the financial stability of their agents and factors will be tested to the utmost by having the plantations thrown upon their hands by foreclosure at double or more of their market value. Other real values would be affected thereby, and the depression would be general and disastrous.

As an evidence that such a calamity is not altogether unlooked for by the well informed, I may mention that already land-owners have been recommended by the press to devote a portion of their acres to products other than cane, coupled with the admission that should the price of sugar suffer a further decline, say of 1 cent per pound, it could no longer be cultivated with profit on the Hawaiian Islands. Such an event would at once deprive the group largely of its commercial importance, and place it back in its condition of twenty years ago, for it produces but little to-day besides sugar and rice to exchange for the commodities of other lands.

The sugar yield of 1884 will approximate 60,000 tons. What it will amount to thereafter will depend upon the price.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

No. 207.

Mr. Daggett to Mr. Frelinghuysen.

No. 152.] LEGATION OF THE UNITED STATES,
Honolulu, May 31, 1884. (Received June 14.)

SIR: The throwing into circulation here of nearly $1,000,000 of the new Hawaiian silver coinage has created a demand for gold so pressing, or, rather, has prompted the sugar agents and bankers to keep so large

a part of their gold funds in San Francisco, that other than United States silver suffers a discount of from 5 to 8 per cent. in the purchase of exchange on California. To meet the gold wants of the Government, and possibly in the hope of compelling a return of a reasonable proportion of the gold for which the products of the islands are sold, and which is left in San Francisco for the benefit of exchange, the cabinet council adopted a resolution on the 15th instant instructing the minister of finance to enforce the law of 1876, and on and after the 1st of June proximo compel the payment of all customs duties in United States gold coin.

This action occasioned very considerable comment, and the Honolulu Chamber of Commerce took it under consideration; but no means of relief could be devised by that body beyond limiting the silver circulation of the Kingdom to Hawaiian and American coinage, and reducing its legal-tender capacity from $50 to $20.

On the 28th instant a resolution was passed by the Legislative Assembly requesting the cabinet council to defer the enforcement of the order for the collection of customs duties in United States gold coin until the currency bills before that body could be more thoroughly considered, and on the 29th instant the cabinet council adopted a resolution according to that request.

The failure of the Hawaiian Government for years past to enforce the law of 1876, requiring the payment of customs duties in United States gold coin, has been a continued violation of the spirit of the reciprocity treaty of 1875, and with silver at a discount of from 5 to 8 per cent., as it now is, the acceptance of such coin in the payment of customs duties is, in effect, an unwarrantable reduction of duty charges to shippers to the extent per cent. of the discount, and to the same extent are the free products of the United States deprived of the benefits accorded by the treaty.

Under the circumstances, I feel bound to ask that the law of 1876, requiring the payment of customs duties in United States gold coin, may be hereafter enforced.

I am, &c.,

ROLLIN M. DAGGETT.

No. 208.

Mr. Daggett to Mr. Frelinghuysen.

No. 153.] LEGATION OF THE UNITED STATES,
Honolulu, May 31, 1884. (Received June 14.)

SIR: I have the honor to inform you that the Pacific Mail Steamship Company's steamers plying between San Francisco and Australia continue to deliver the public mails at this port, but decline all passenger and freight traffic between San Francisco and the Hawaiian Islands.

This singular proceeding is regarded with general dissatisfaction here, and is manifestly the result of some business arrangement between that company and the Spreckels firm, controlling the Oceanic Steamship Company. As the financial strength of the former forbids the presumption of coercion in the matter, it is probable that a satisfactory consideration has been the moving power, possibly to the extent of the subsidy of $2,000 per trip ($48,000 per annum) which the Legislature has been asked to vote the Oceanic Steamship Company. But whatever may

have been the controlling motive or consideration, it cannot but be considered unfortunate for Hawaii that individual power has been found to be competent to so embarrass its commerce and choke its channels of trade.

I am, &c.,

ROLLIN M. DAGGETT.

No. 209.

Mr. Daggett to Mr. Frelinghuysen.

No. 157.] LEGATION OF THE UNITED STATES,
Honolulu, June 14, 1884. (Received June 30.)

SIR: In my dispatch of the 31st ultimo (No. 152) I had the honor to refer to the continued collection of Hawaiian customs duties in silver foreign to the United States and Hawaii and of low commercial value, when the existing law on the subject requires all customs payments to be made in gold coin of the United States.

As the silver accepted in the payment of customs duties has for some weeks past been selling at a discount of from 5 to 10 per cent. in exchange for gold, I deemed it my duty to direct the attention of His Majesty's Government to the subject, claiming that the collection of customs duties in such silver operated substantially as a reduction in duty rates, and was not in accord with the spirit and purposes of the treaty of 1875. I inclose a copy of my note to his excellency, the minister of foreign affairs, under date of May 31st ultimo.

In his reply of the 3d instant (inclosure No. 2) the minister of foreign affairs, without referring to the question of the good faith of his Government in accepting foreign silver at rates above its commercial value in the payment of customs duties, denies that such silver is accepted at the custom-house, but at the same time admits that the "gold checks" of the bank of Bishop & Co., in which the most of the customs duties are paid, are, through an understanding with the Government, cashed into the treasury in silver.

This very unsatisfactory explanation seemed to call for a more specific statement of the situation, and on the 5th instant I addressed a second communication (inclosure No. 3) to the minister of foreign affairs, showing that the "gold checks" of Bishop & Co., are or may be drawn for Mexican dollars at par, and in the same currency may be redeemed into the treasury, thus giving shippers the privilege of paying their customs duties in the face value of silver worth from 10 to 12 per cent. less than gold.

To this his excellency promptly replied (inclosure No. 4, June 5), admitting that the acceptance of foreign silver in the payment of customs duties, if import charges are thereby in effect reduced, is a departure from the spirit of the treaty of 1875, which had escaped the attention of His Majesty's Government, and promising early action by the Legislative Assembly providing for the resumption of the collection of customs duties in gold coin of the United States or its equivalent.

My final note on the subject (inclosure No. 5, June 6), accepts with satisfaction the liberal and friendly concessions of His Majesty's Government, and relies upon the Legislative Assembly to restore the gold standard in the collection of customs duties.

To accomplish this object a number of bills are now before the Legislature, and I feel confident that the payment of duty charges in foreign silver will soon be discontinued.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

[Inclosure 1 in No. 157.]

Mr. Daggett to Mr. Gibson.

No. 249.] LEGATION OF THE UNITED STATES,
Honolulu, May 31, 1884.

SIR: When the reciprocity treaty of 1875 was ratified by our respective Governments the legal-tender currency and unit of commercial value in the Hawaiian Kingdom, as fixed by Chapter XXVII of the sessions laws of 1872, were the dollar of the United States and its subsidiary subdivisions. Chapter XLI of the sessions laws of 1876 repealed that statute, and, among other currency regulations, provided that the gold coins of the United States should be the standard and legal tender in the Kingdom, and that thereafter all duties on Hawaiian imports should "be paid in the gold coins of the United States or their equivalent."

For reasons not plainly apparent, the law of 1876, so far, at least, as it relates to the payment of customs duties, has not been enforced, but duties on Hawaiian imports have been and are still being paid and received in the debased silver coins of all countries, and accepted by the Hawaiian customs authorities at rates from 10 to 20 per cent. in excess of their real commercial value, and as much below their equivalence with the "gold coins of the United States."

I am prone to believe that the great injustice to the commerce of the United States caused by this deviation from the provisions of the law of 1876, as also from the provisions of the statute which that law repealed, must have escaped the observation of His Majesty's Government.

If so, I need but direct your excellency's attention to the fact that the character of silver now being received for customs duties was selling yesterday at a discount, in exchange for United States gold, of 10 per cent. below the value at which it is accepted by the Hawaiian customs authorities in the payment of import duties, and to the further fact that the acceptance of such silver in the payment of customs charges operates substantially as a reduction of duty rates to shippers to the extent per cent. of the discount, and to the same extent are the products of the United States entitled to free entry deprived of the benefits accorded them by the treaty of 1875. In other words, the shipper who pays his duties in silver purchased at 90 per cent. for gold, in reality pays no duties at all.

Permit me to say that the liability to customs charges of the wares of all other nations is an element of the treaty equally essential with the exemption from duty of certain products of the United States. Hence, since the Hawaiian Government could not in good faith directly remove all duty charges from foreign imports, it will scarcely be claimed that it may do so indirectly by accepting in the payment of duties debased silver at from 8 to 10 per cent. above its current value. In view of the increasing rates of exchange, and the manifest contravention of the spirit of the treaty of 1875 in the acceptance by the Hawaiian Government of debased silver at rates above its value in the payment of import duties, I respectfully present the matter to His Majesty's Government, and, in a spirit of great friendship, ask that measures may be taken either to enforce the law of 1876, or in some other manner acceptable to His Majesty's Government provide for the payment of duties on foreign imports in the "gold coins of the United States or their equivalent."

I am, &c.,

ROLLIN M. DAGGETT.

[Inclosure 2 in No. 157.]

Mr. Gibson to Mr. Daggett.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, June 3, 1884.

SIR: I have the honor to acknowledge the receipt of your excellency's letter of 31st ultimo, in which you express the opinion that there has been a contravention of the spirit of the treaty of 1875 between this country and the United States of America in

the acceptance by the Hawaiian Government of debased silver at the rates above its value in payment of import duties, and ask that measures may be taken either to enforce the law of 1876 or in some other manner to provide for the payment of duties in the "gold coins of the United States or their equivalent."

In reply, I have to assure your excellency that you have been misinformed as to the facts in regard to the subject-matter of your letter. Silver and silver certificates are not and never have been received by the Hawaiian custom-house in payment for import duties, except for fractional amounts that are not represented in United States gold coin. The Government has for many years past permitted the substitution of what are known as "gold checks" for actual coin. These are checks on the bank of Bishop & Co., bearing on their face the promise of that firm for their payment in United States gold coin. An arrangement has also existed for many years between the Hawaiian treasury and Bishop & Co. for forbearance on both sides to demand gold for payments due from the one to the other until after a reasonable notice. The numerous drafts on the treasury which Messrs. Bishop & Co. have to present are in this way set off against the gold checks for which they are responsible (including bonds and coupons falling due). In this way the Government and the bank have acted the part of a clearing-house for innumerable transactions, and saved the community much inconvenience, and the gold coin, which would otherwise have been in use, much wear and tear. Your excellency will therefore perceive that the Government has all along enforced the law of 1876, and taken measures to provide for the payment of duties on foreign imports in gold coins of the United States or their equivalent.

I note that your excellency calls the silver coin which is legal tender here "debased silver." I am aware that there is a small amount of foreign coin in circulation which is below weight through long wear or from being mutilated. This will occur in any country, and no one is obliged to accept such deficient coin as money. As to the bulk of the silver circulating here as legal tender, I submit that the term "debased silver" is not applicable to it. Some of it is United States silver, some is of more intrinsic value than the American coin with which it is rated to pass, and the rest is legitimate coin of foreign countries, passing at a conventional value which suits the convenience of the public.

I have, &c.,

WALTER M. GIBSON.

[Inclosure 3 in No. 157.]

Mr. Daggett to Mr. Gibson.

No. 250.] LEGATION OF THE UNITED STATES,
Honolulu, June 5, 1884.

SIR: I have the honor to acknowledge the receipt of your excellency's note of the 3d instant, in reply to mine of the 31st ultimo, suggesting the justice of the collection of Hawaiian customs duties hereafter in United States gold coin or its equivalent.

Your excellency assumes that I "have been misinformed as to the facts in regard to the subject-matter" of my letter, and then ventures the extraordinary declaration that "silver and silver certificates are not and never have been received by the Hawaiian custom-house in payment for import duties except for fractional amounts that are not represented in United States gold coin."

Allow me to assure your excellency that I am perfectly informed as to the methods by which the "gold checks" of Messrs. Bishop & Co. have for years past been issued to shippers for silver, have been received at their face value in the payment of customs duties, and, on presentation, have been cashed in silver or silver certificates. The checks are purchased by shippers for silver, and in silver or silver certificates are they cashed into the treasury, and the word "gold," playfully mentioned on their face as the medium of their redemption, represents nothing beyond the agreement of the Government with Messrs. Bishop & Co. that payment will not be exacted in that currency.

Customs duties, under existing regulations, may be paid as follows: The merchant, having an account with the bank of Messrs. Bishop & Co., the medium through which the customs authorities largely deal with shippers, may sell his gold for Mexican dollars worth 87½ cents, may deposit those dollars at their face value, may draw his check thereon to the amount required, and receive from the bank in exchange therefor a "gold check" of precisely the same amount, with which he may pay his customs duties. These "gold checks" are turned into the treasury, and, on presentation to the bank, may be cashed either in Mexican dollars or in silver certificates of the Government, which may be issued at par on a deposit of Mexican dollars.

Thus the shipper is practically enabled to pay, and the Government may actually receive, his customs dues in Mexican dollars, and while it may be true that "silver

and silver certificates are not and never have been received by the Hawaiian custom-house in payment for import duties except for fractional amounts that are not represented in United States gold coin," your excellency omits to mention that the collector of customs, who sternly demands gold from the occasional small shipper who pays to him directly, is authorized to accept from the larger and more important importer the "gold checks" of the bank, which are at once redeemed into the treasury in silver or silver certificates, and the obligations of the bank to meet its "gold checks" in gold are canceled as fast as made, by the redemption in silver and return of the checks.

Your excellency also omits to mention the purpose of the adoption of a resolution by His Majesty's cabinet council, on the 15th ultimo, requiring the payment of customs duties in United States gold coin "on and after the 1st day of June, 1884," the enforcement of which resolution has since been deferred. If silver was not then received for customs duties, why was their payment in gold required after the 1st day of June?

"Debased coins" are such as have been punched, bored "sweated," or intentionally mutilated to such an extent as to deprive them of any portion of their intrinsic value. Thus, the value fixed upon a punched dollar by the United States Treasury is 65 cents, a punched half-dollar 35 cents, and a punched quarter-dollar 15 cents. While such mutilations are unusually common among the coins quite freely circulating here, I beg your excellency to relieve me of the intention of stating that such currency constitutes the bulk of the silver legal tender of the Hawaiian Islands. While such mutilated coins may not be accepted at the Hawaiian treasury, they are easily convertible in small sums into a currency for which the bank's "gold checks" may be obtained at par.

As your excellency admits the arrangement with the Messrs. Bishop & Co. by which their so-called "gold checks" are received for customs duties, and as I have shown that such "gold checks" are issued for silver of low commercial value, and in such silver or its certificates are redeemed into the Hawaiian treasury, I respectfully resubmit to His Majesty's Government the request embodied in my note of the 31st ultimo; and, in doing so, permit me to say that I do not present the matter in the form of a demand either on the part of my Government or myself. The acceptance of foreign silver above its commercial value in the payment of customs duties cannot but operate as a disadvantage to American commerce not contemplated at the time of the ratification of the treaty of reciprocity between the United States and Hawaii, and the continuance of the treaty relations now happily existing between the two countries must depend largely upon the disposition and efforts of both to carry out the spirit no less than the letter of their mutual covenants.

I have, &c.,

ROLLIN M. DAGGETT.

[Inclosure 4 in No. 157.]

Mr. Gibson to Mr. Daggett.

DEPARTMENT OF FOREIGN AFFAIRS,
Honolulu, June 5, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, in which your excellency informs me that the "gold checks" issued by merchants for customs duties, and indorsed as such by Messrs. Bishop & Co., are obtained for Mexican dollars at equal face value, or for other silver coin or silver certificates, and are paid by the bank to the treasury in the same forms of currency, and repeats the request that duties on foreign imports be collected by the Government in United States gold coin or its equivalent.

In reply I have to inform your excellency that this subject is under the consideration of the Legislature, and is likely to receive a prompt solution in accord with the views and wishes expressed in your letter.

I may at the same time remind your excellency that when the reciprocity treaty between this Kingdom and the United States was negotiated the currency law of 1872 was in force, and silver was the only standard here. I do not think that the possibility of the occurrence of the exceptional circumstances of the present day was foreseen on either side at that time, or that when, at a late period, the arrangement as to "gold checks" was made, a probability of its interfering with the protection accorded by the treaty with the United States to the products and manufactures of that country was thought of.

So far as the Government and Messrs. Bishop & Co. are concerned, the forbearance to collect gold when the law called for it has been mutual. If, however, the existing arrangement enables importers of dutiable goods virtually to pay 9 per cent. duties instead of 10 per cent., even though this be temporary, there is a manifest departure

from the intention of the treaty—a departure which the Government has no desire to countenance. I trust that I shall be able to communicate to your excellency the decision of the Legislature (at whose express wish the order recently made by the Government has been suspended from operation) in the course of a few days.

I have, &c.,

WALTER M. GIBSON.

[Inclosure 5 in No. 157.]

Mr. Daggett to Mr. Gibson.

No. 251.] LEGATION OF THE UNITED STATES,
Honolulu, June 6, 1884.

SIR: I have the honor to acknowledge the receipt of your excellency's note of yesterday, conveying your acceptance of the position that the payment of Hawaiian customs duties in foreign silver of low commercial value, as may be done through existing methods, "is a manifest departure from the intention of the treaty—a departure which the Government has no desire to countenance," and the further information that the Legislative Assembly has now under consideration a measure providing for the collection of customs duties in gold coin, upon which you hope to apprise me of favorable action "in the course of a few days."

Allow me to repeat to your excellency that the collection of customs duties in foreign silver, as it now rates with gold, is not merely a lessening of duty charges from 10 per cent. to 9, but substantially a reduction from 10 per cent. to the per cent. of difference between such silver and gold in exchange for each other, and that the "silver standard" of the law of 1872, which was in force at the time of the ratification of the treaty of 1875, was specifically United States silver, to the collection of duties in which to-day no valid objection could be urged.

Thanking your excellency for the very just and liberal spirit in which, after full explanation, you have met my suggestions in the matter,

I have, &c.,

ROLLIN M. DAGGETT.

No. 210.

Mr. Frelinghuysen to Mr. Daggett.

No. 55.] DEPARTMENT OF STATE,
Washington, June 20, 1884.

SIR: Your No. 151, of the 31st ultimo, has been received. You therein allude to the possible disastrous financial effects in the Hawaiian Islands in consequence of the low price of sugar.

Your dispatch presents a lucid statement of the situation, for which I desire to extend to you the Department's commendation.

A copy of your No. 151 will be sent to the Secretary of the Treasury for his information; also to the chairman of the Committee on Foreign Relations of the Senate.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 211.

Mr. Daggett to Mr. Frelinghuysen.

No. 178.] LEGATION OF THE UNITED STATES,
Honolulu, July 24, 1884. (Received August 15.)

SIR: I have the honor to inform you that the bill to establish a United States gold standard in the Hawaiian Kingdom has become a law. It provides that after the 1st day of December next United States and

Hawaiian gold and silver coins only shall be legal tender at their nominal value; that all other coins will be received at their bullion value; that the silver certificates of the Government above the denomination of $10 shall be redeemed in gold; and that other than United States and Hawaiian silver coins shall be taken at the treasury at their nominal value and exchanged for United States gold coin. It gives to United States and Hawaiian silver coins a legal-tender capacity to the extent of $10, and provides for the issuance of gold certificates of deposit by the treasury.

Formal notification of the passage and approval of the new currency measure was communicated to me on the 8th instant by his excellency the minister of foreign affairs. A friendly interview with the ministry resulted in the acceptance of the view that the passage and approval of the currency act restored to force, without further action, the cabinet council resolution of May 15 last, providing for the payment of customs duties in gold, and the minister of finance was authorized to instruct the collector-general that from and after the 1st day of August proximo gold coin of the United States would alone be received for customs duties. This instruction has been given, and also a notification to the public, and on and after the 1st proximo customs duties will be collected only in United States gold coin or its equivalent.

Very respectfully, &c.,

ROLLIN M. DAGGETT.

HAYTI.

No. 212.

Mr. Langston to Mr. Frelinghuysen.

No. 593.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, Nov. 20, 1883. (Received Dec. 13.)

SIR: In transmitting to the Department, as herewith inclosed, the translation of a dispatch of President Salomon, addressed through me to the diplomatic corps, dated as of the 4th instant, I have the honor to invite your attention specially to the fact that after detailing the circumstances of the purchase of the ship Eider at St. Thomas, her change of the British for the Haytien flag on her arrival at Jacmel, her employment in the insurgent service, her probable disturbance of the coasting trade of Hayti, especially as respects the interests of foreigners engaged in commerce in this country, and referring to the fact that his Government, by a decree of the 20th of September last, had declared this vessel, known now in the change of her name as La Patrie, a pirate, the President asks the members of the corps to recognize this ship as in fact a real pirate, and have her pursued accordingly. It will be noticed, also, that the President refers in the closing portion of his dispatch to the circumstance that on the 23d of September last the diplomatic and consular corps had seen fit to land troops in Port au Prince, and even menaced the bombardment of his palace and forts, concluding that, if such action could be justly taken, the request which he made as to the ship in question could not be unreasonable.

The fact as stated by the President in such regard is true. But upon due and careful consideration of the whole subject the corps, asking the counsel of the several commanding officers of the war vessels at the time in this harbor in that behalf, including our own captain of the Swatara, P. H. Cooper, could not agree with the President in his judgment in this matter; and accordingly addressed, through its dean, a reply to his dispatch, a copy of which, dated as of the 13th instant, is, as herewith inclosed, transmitted to you. From the date of the reply it will be perceived that it was somewhat delayed. This was so because the President was asked and promised to furnish facts as regards injuries done in fact by the La Patrie to the merchandise of foreigners found on Haytien coasters. Such facts, however, he did not furnish; and, after the reasonable delay, the reply was made. The corps declines, without presenting formal or extended argument in defense of its position, to take the action suggested by the President.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 593.—Translation.]

President Solamon to Mr. Langston.

PORT AU PRINCE, *November* 4, 1883.

MR. MINISTER: The enemies of my Government at St. Thomas bought there an old steamer of the Royal Mail and sent it to the insurgents at Jacmel, where it arrived, at the end of August, under the British flag. On this occasion my consul at Saint Thomas exchanged correspondence with the Danish authorities and the consul of England in that place. But it was in vain that he told them that this steamer, then known by the name of the Eider, was bought on account of the insurgents, and would go to Jacmel to carry trouble and injury to Hayti, the Government of which is in good diplomatic relations with these two powers.

At Jacmel, the Eider, taking the name of La Patrie, replaced the English flag by the Haytien flag; and since this ship traverses the coasts of the South, the West, and the Artibonite of the Republic, capturing the crafts which it meets and appropriating to itself the imports and commodities which it finds upon them.

A decree of my Government of the 20th of September last declares this vessel a pirate and authorizes that she be pursued.

Haytien legislation does not accord to foreigners the right of conducting commerce by the coasting trade (which is exclusively reserved to its citizens). Foreign merchants, then, are obliged to confide to the coasting-trade the cash which they forward to the different points for the purchase of commodities, which are sent them by the same means of the coasting trade. Then it results, at this moment, that the coasters which encounter the pirate steamer, being captured, the property of foreign merchants which is found thereupon becomes the booty of the insurgents, From which it follows that to avoid loss of their capital and merchandise, these merchants will be absolutely forced to suspend every commercial operation, which will render immobile their capital and will cause them, by consequence, considerable losses. One could comprehend such a situation if those actually in arms against my Government were recognized as belligerents; but not being, the acts which they commit are piracy.

If, the 23d of September, the diplomatic and consular corps, in presence of civil disorder which for the moment I was unable to suppress in this capital, had landed armed men and menaced the bo nbardment of my palace and the forts to arrest this disorder which brought injury to the interests of their citizens, I am authorized to hope that for the same reasons the diplomatic corps will judge it necessary to interfere to stop the depredations which the steamer of the insurgents commits.

In presenting to you these considerations, I am persuaded, Mr. Minister, that in the interest of foreign commerce threatened the diplomatic corps, whose president you are, will decide that it is proper to capture the Eider.

I am, &c.,

SALOMON.

[Inclosure 2 in No. 593.]

Mr. Langston to President Salomon.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, November 13, 1883.

EXCELLENCY: The corps diplomatique has, after duly considering your dispatch of the 4th instant, addressed to the undersigned and by him brought to the attention of the corps, assisted by the several commanders of the war vessels present in the harbor, concluded that so far as it is concerned no acts connected with the movements of the ship Eider, as the corps is at this time advised, would justify, as against such vessels the action which you have been pleased to suggest in your dispatch as proper to be taken by such body.

The undersigned, on behalf of the corps diplomatique, begs to present its sentiments of the most distinguished consideration to his excellency, and begs to assure him that the corps entertains the liveliest interest in all things appertaining to his Government and its continued good understanding with the great foreign powers of the world.

JOHN MERCER LANGSTON.

No. 213.

Mr. Langston to Mr. Frelinghuysen.

No. 594.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti Nov. 20, 1883. (Received Dec. 13.)

SIR: I have the honor to advise you that on the 13th instant the Hon. C. Fouchard, provisional secretary of state of foreign relations of this Government, addressed me a dispatch, received on the 14th instant, similar to that addressed to each member of the diplomatic and consular corps of this capital, in which he announces the purpose of his Government, according to the address of the President, a copy of which was transmitted inclosed in his dispatch, to bombard respectively Jacmel on the 18th and Jérémie on the 21st instant, provided the rebels in such cities have not sooner surrendered to the constitutional government.

In the name of humanity the honorable secretary asks any action that may be deemed wise and necessary on behalf of innocent and neutral persons residing in the cities named, and who might be exposed to the misfortunes of their bombardment. I have the honor to transmit, as herewith inclosed, copies of the dispatch and address mentioned, with translations of each, and also a copy of the dispatch addressed by me to the honorable secretary on this subject, in which I simply acknowledge the receipt of his dispatch, with its inclosure, reserving any rights which may pertain in anywise to American citizens being in the cities named at the time of their bombardment.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 594.—Translation.]

Mr. Fouchard to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port au Prince, November 13, 1883.

MR. MINISTER: In the interest of humanity I have the honor to transmit to you under this cover the address of this day of his excellency the President of Hayti to the rebels of the cities of Jacmel and of Jérémie. You will perhaps judge it necessary

to do that which shall be in your power to save the innocent and neutrals who are in Jérémie and Jacmel exposed to the misfortunes which menace these cities, if, in the delay fixed, they do not submit themselves to the constitutional government.

Be pleased, &c.,

C. FOUCHARD.

[Inclosure 2 in No. 594.—Translation.]

Liberty. Equality. Fraternity.

Republic of Hayti.

ADDRESS.

Salomon, President of Hayti, to the people and army:

HAYTIENS: When, after twenty years of exile, I returned to the country, two parties existed, the national party, which is the country of which I am the undoubted chief, and the party called liberal, having at its head Boyer Bazelais. This last party, exclusively aristocratic, has become a faction. This faction has ceased to exist. Boyer Bazelais, wounded in the head on the 22d of September, poisoned himself, and died at Miragoane the 27th of October last. To-day, thanks to Divine Providence, my Government is armed with forces which enables it to confound and annihilate the insurrection; it finds this force in the love of its fellow-citizens, and in the confidence and sympathy of which it is the object as well on the part of foreigners as the representatives and agents of the foreign powers residing in Hayti.

The hour for the final struggle has come, but, anxious to spare the blood of my fellow-citizens, I make here a supreme and final appeal to the rebels of Jérémie and Jacmel.

Therefore, there is accorded to Jacmel to the 18th instant, and to Jérémie to the 21st instant to lay down their arms and recognize the authority of the constitutional government. These delays passed, these two cities will be subdued by force.

They shall have no right to mercy, but shall be sought and prosecuted who have assassinated Generals Joachim Vérequain, Aristide Désiré, &c., who form the revolutionary committee of Jacmel, namely, K. Hippolite, Lefévre, T. Talmy, J. R. Barjon, Chicoye Jenne, J. C. Maximilien, L. T. Lafontant, Labidon, Jasmin, D. Lauture, J. R. Mégie, D. Berroüet, Lep. Lafontant, &c.

Fellow-citizens of Jacmel and Jérémie, to persist in resisting the Government is to condemn you, Jérémie and Jacmel, to the inseparable misfortunes of a city taken by assault.

Long live peace!

Long live the Haytien family!

Done at the National Palace of Port au Prince, the 13th of November, 1883, the eightieth year of the independence.

SALOMON.

[Inclosure 3 in No. 594.]

Mr. Langston to Mr. Fouchard.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, November 16, 1883.

SIR: I have the honor to acknowledge the receipt of your dispatch of the 13th instant with its inclosure.

You will permit me, Mr. Minister, in acknowledging the receipt of such dispatch, to state that the rights of any American citizens who may be found in either Jacmel or Jérémie, when your Government shall attempt the bombardment of such cities, according to the address of the President transmitted, as inclosed in your dispatch, as well as according to the terms of the dispatch itself, are distinctly and specially reserved.

I am, &c.,

JOHN MERCER LANGSTON.

No. 214.

Mr. Frelinghuysen to Mr. Langston.

No. 247.] DEPARTMENT OF STATE,
Washington, December 15, 1883.

SIR: I have received your number 593, of the 20th ultimo, in relation to the action of President Salomon in declaring the vessel La Patrie a pirate and asking that she be so regarded by foreign governments. The conclusion reached by you, in company with your colleagues, that the consuls could not properly take the steps suggested, is approved.

The expedient of declaring a revolted national vessel to be a "pirate" has often been resorted to among the Spanish-American countries in times of civil tumult, and on late occasions in Europe. At the time of the Murcian rising, in 1873, the insurgents at Cartagena seized the Spanish iron-clads in harbor and cruised with them along the coast, committing hostilities. The Spanish Government proclaimed the vessels pirates and invited their capture by any nation. A German naval commander then in the Mediterranean did in fact capture one of the revolted ships and claimed it as a German prize, but his act was disavowed. The rule is, simply, that a "pirate" is the natural enemy of all men, to be repressed by any, and wherever found, while a revolted vessel is the enemy only of the power against which it acts. While it may be outlawed so far as the outlawing state is concerned, no foreign state is bound to respect or execute such outlawry to the extent of treating the vessel as a public enemy of mankind. Treason is not piracy, and the attitude of foreign governments toward the offender may be negative merely so far as demanded by a proper observance of the principle of neutrality.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 215.

Mr. Frelinghuysen to Mr. Langston.

No. 248.] DEPARTMENT OF STATE,
Washington, December 15, 1883.

SIR: I have to acknowledge the receipt of your No. 594, of the 20th ultimo, relative to the notification made by President Salomon that Jérémie and Jacmel would be bombarded on fixed dates if not sooner surrendered.

It is observed that in response to the announcement thereof made to you by the provisional secretary of state, you confined yourself to simple acknowledgment and reservation of the rights of any American citizens in those towns. As a technical precaution this was very good as far as it went, but it does not appear that you took any active measures in their behalf; indeed, it is not known that any American citizens were endangered. But if they were, their first right was the privilege as non-combatants of leaving the place, for which purpose an apparently sufficient delay was granted. If no national vessel was within your reach to dispatch to Jérémie and Jacmel for the purpose of taking off any Americans known or believed to be there, it might at least have

been proper to make an arrangement through one of your colleagues for the reception of American fugitives and their personal property on a vessel of another nationality.

This right of alien non-combatants to quit a place which is to be bombarded is one to be sedulously guarded in every proper way by their national representatives.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 216.

Mr. Langston to Mr. Frelinghuysen.

No. 602.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, Dec. 17, 1883. (Received Jan. 3, 1884.)

SIR: I have the honor to transmit as herewith inclosed a copy of a despatch, with translation, addressed by the President of this Republic to me, dated November 22, 1883.

This dispatch is one in which the consuls of France, England, Germany, Spain, and Italy are invited with myself to call at the national palace to confer with President Salomon upon the matter of the indemnity to be accorded to foreigners who suffered in their interests in consequence of the unfortunate events of the 22d and 23d of September last in this city. The conference was held as requested on the 24th ultimo, all the consuls named being in attendance except the consul of Germany, who was absent at the time from Port au Prince. After the President had explained his desires and purposes in the matter the gentlemen representatives present left the palace, after assuring him that the subject should have their serious consideration and that he should hear from them with respect thereto upon the return of the consul of Germany.

Accordingly, on the 1st instant, the gentlemen mentioned held a conference at this legation, and after due consideration of the subject the undersigned was requested to write the President, asking his consideration and response as to the several points suggested in my note of the 1st instant, a copy of which is herewith transmitted. In this note it will be perceived that the President is asked whether he proposes, in speaking of the losses occurring on the 22d and 23d of September last, to confine himself in considering the question of indemnity to such losses only, or whether he would adopt a policy comprehensive enough to cover and include losses occurring in other places in connection with the efforts of the Government to put down the rebellion of 1879, as at Port au Prince and Gonaives, and the losses occurring in other places than Port-au-Prince in connection with the efforts of the Government made to put down the present insurrectionary movements of the country; what mode of investigation and settlement he would propose; if a mixed commission, how he would propose to constitute it; and in what way he would propose to pay such reclamations as may be adjudged well-founded.

A copy of the President's dispatch, with a translation, is herewith transmitted. After acknowledging the receipt of my note and stating that the losses of the 22d and 23d of September last in this city should be the subject of special examination, the President proceeds to announce his plan of a mixed commission, one-half to be named by his Government, the other half by the representatives of the countries whose cit-

izens present claims; such commissioners to be instructed by the honorable secretary of state of foreign relations, his instructions to be approved by the representatives as aforesaid; while the mode of payment is left undetermined by him otherwise than that he would have such matter as well as the payment of claims allowed left to the determination and vote of the corps legislatif. He closes his dispatch by expressing the hope that the plan he suggests may prove to be acceptable.

A copy of my reply to this last dispatch of the President is herewith transmitted. In my note I simply acknowledge the receipt of his dispatch, and advise him that after the consideration of the subject the several consuls mentioned by him, all supposed to have citizens here who sustained losses in connection with the occurrences of the 22d and 23d of September last, in this city, would hereafter, each for himself, according to his pleasure or his instructions, make reply with regard thereto to his Government.

Six of our citizens, Messrs. C. W. Mossell, E. V. Garrido, and Richard Allen, and Mrs. Adolphus E. Williams, Mrs. Hercules Fournier, and Maria Hamilton, have filed claims of the character under discussion, aggregating in property lost and damages in personal injuries and insults received something like $100,000. The amount claimed by the persons named for their property lost is only about, at most, $20,000.

The matter of damages sustained in personal injuries and insults received, as demanded, would amount to about $80,000; and this last amount is principally made up of the claim of Mr. Mossell, who, with his wife and family was maltreated in the most barbarous manner.

It may be that the plan of a mixed commission as proposed by President Salomon would, as far as the loss of property is concerned, answer very well; but as regards the abuse, the maltreatment of our citizens, it might not prove to be advantageous and satisfactory. But with regard to its approval or otherwise, I await your instructions.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 602.—Translation.]

President Salomon to Mr. Langston.

PORT AU PRINCE, *November* 22, 1883.

MR. MINISTER: Wishing to have an interview with you, as well as the consul of France, of England, of Germany, of Spain, and of Italy, touching the question of indemnity to be accorded by my Government to foreigners who suffered in their interests in consequence of the unfortunate events of the 22d and 23d of September last, I will receive you at the palace, as well as such consuls, whom I pray you to convoke, Saturday, the 24th instant, at 10 o'clock in the morning.

Accept, Mr. Minister, the assurance of my very high consideration.

SALOMON.

[Inclosure 2 in No. 602.]

Mr. Langston to President Salomon.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, December 1, 1883.

EXCELLENCY: Your note of the 23d instant was, as you are aware, duly received, and as you requested therein, the consul of France, of England, of Spain, of Italy, and the undersigned met you on the 24th instant at the national palace in conference with regard to the subject matter thereof.

The gentlemen named, including the consul of Germany, who was not with us at the national palace on the 24th instant, held a conference yesterday at this legation, and after full consideration of your note found it desirable to ask of you certain information.

You speak of losses connected with the occurrences of the 22d and 23d of September last simply. Do you mean in considering the matter of indemnity as proposed to confine action to such losses only, or would you propose action in that behalf so comprehensive as to include and cover the investigation and settlement of all claims which may be found to have grown out of the movements of the Government in its efforts to suppress the present rebellion in Port au Prince or elsewhere in the country, and also so comprehensive as to cover and include losses connected with the movements of the Government in its efforts to suppress the rebellion of 1879 at Port au Prince and Gonaives? Besides, it has been deemed wise to ask what mode of investigation and settlement you would propose—whether a mixed commission; and, if so, how you would constitute it, and in what way your excellency would propose to pay such reclamations as may be adjudged well-founded?

The undersigned, awaiting, &c.,

JOHN MERCER LANGSTON.

[Inclosure 3 in No. 602.—Translation.]

President Salomon to Mr. Langston.

PORT AU PRINCE *December* 9, 1883.

MR. MINISTER: In your dispatch of the 1st instant, you express to me the desire to have certain information with regard to my note of the 23d of October; information which you require in consequence of a conference held at the legation of the United States of America, and where there were present the gentlemen, consuls of France, of England, of Spain, of Italy, and of the Empire of Germany.

According to the judgment of my Governmnet the events which took place at Port au Prince the 22d and 23d of September last, provoked evidently by the rioters of those days, should be the subject of a special examination, and my desire would be to put aside from such examination, occurrences which have taken place in Hayti at other periods, as well as those which may have been produced in other localities in consequence of these same events.

The principle of indemnity once recognized in favor of foreigners who had sustained real damages on the 22d and 23d days of September last, the estimate of their losses should be confided to mixed commissions, the members whereof should be named, half by my Government, half by the representatives of the countries of the claimants, who should have to present in support of their demands all the necessary justificative documents.

My secretary of state of foreign relations should give to such mixed commissions instructions as to the manner of procedure, and, in order to protect the interests of the two parties in interest, such instructions should have force only after the official sanction of the representatives of the powers interested.

As to that which concerns the mode to be adopted for the payment of the indemnities which may be accorded, I think that it would be difficult, if not impossible, to be decided, at present, in that regard. This mode of payment could only be settled after the nature of the obligations allowed and their importance shall have become known.

With common accord let us name the mixed commissions and give them full and precise instructions. Let these commissions, in their turn, call those who claim to have been injured, that they make, evidence in hand, a scrupulous and rigid examination of their claims and that they present to us their reports.

It is then, Mr. Minister, that their decisions, which shall be, I have no doubt, impressed with the seal of justice and impartiality, would be conformably to our constitutional law communicated to the legislative chambers, called to inscribe them upon our budget of expenses and to vote the ways and means applicable to such service.

The mode of payment of such obligations would then be fixed by this vote, to which force would be given, from the re-establishment of public peace.

Such is, Mr. Minister, my manner of meeting the question which occupies us, and I hope that it will have your approbation, as well as that of your colleagues.

Accept, Mr. Minister, the renewed assurances of my very high consideration.

SALOMON.

[Inclosure 4 to No. 602.]

Mr. Langston to President Salomon.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, December 14, 1883.

MR. PRESIDENT: The undersigned has the honor, in acknowledging the receipt of your dispatch of the 9th instant, to state that the subject-matter thereof was yesterday duly brought to the attention of the gentlemen representatives mentioned therein; and the undersigned, as directed by them, has the pleasure to assure your excellency that so soon as the several representatives referred to have communicated with their respective Governments with regard to your proposal to adjudicate and settle the claims for losses of their citizens, as the same are connected with the occurrences on the 22d and 23d of September last in this city, they will, each for himself, make reply to your Government according to their pleasure or instructions.

The undersigned, Mr. President, begs to renew to you the assurance of his sincere distinguished consideration.

JOHN MERCER LANGSTON.

No. 217.

Mr. Frelinghuysen to Mr. Langston.

No. 265.] DEPARTMENT OF STATE,
Washington, March 7, 1884.

SIR: Your dispatch No. 602, of the 17th of December last, has been received. It transmits a copy of a note addressed to you by President Salomon on the 22d of November last, inviting you to an interview touching the question of indemnity proposed by Hayti to be accorded to foreigners who suffered through the unfortunate events of the 22d and 23d of September, 1883, and at the same time inviting the consuls of France, England, Germany, Spain, and Italy to be present and take part in the interview. In a subsequent note of the 9th of December, a copy of which also accompanies your dispatch, you communicate the view of President Salomon that, according to the judgment of his Government, the events which took place at Port au Prince on the 22d and 23d of September last, provoked evidently by the riots of those days, should be the subject of a special examination, and that his own desire is to put aside from such examination occurrences which have taken place in Hayti at other periods, as well as those which may have been produced in other localities in consequence of these same events. The President further says in that same dispatch addressed to you:

> The principle of indemnity once recognized in favor of foreigners who had sustained real damages on the 22d and 23d days of September last, the estimate of their losses should be confided to mixed commissions, the members whereof should be named, half by my [Haytien] Government and half by the representatives of the countries of the claimants, who should have to present in support of their demands all the necessary justificative documents.

The limitation suggested by the President of Hayti, restricting the subject of indemnity to losses sustained by foreigners in Port au Prince during the events of the 22d and 23d of September, and excluding the consideration of losses in other localities of the Republic, resulting from the same events, appears to me somewhat narrow, but as the claim of American citizens of the class now under discussion are, so far as now known, confined to losses at Port au Prince, this Government is not disposed to press that view or to interpose it as an obstacle to the establishment of the proposed commission.

The President also conceives that the submission of the claims of all

foreigners whose Governments shall join in the arrangement to one mixed commission, in which all of these Governments shall be represented is, on the whole, preferable to separate joint commissions with each country, and will tend to facilitate a more speedy and just settlement than could reasonably be hoped for from a separate commission for each, and conscious of the high sense of justice by which the Haytien Government is animated in this as in all other matters, no objection is made to that Government having the power to name one-half of the members of the tribunal.

The examination by the commission should also, as suggested by President Salomon, be confined to the consideration of actual and real losses growing out of the events referred to. This Government, however, reserves to itself the right, after full examination by this Department, to present diplomatically any claim of one of its citizens based on the withholding or abuse of any personal rights of such citizen of the United States or indignities to their persons by the officers of the Haytien Government.

There is still one other question to which your attention is invited in connection with any proposed agreement for such a commission. President Salomon observes that the mode of payment could only be settled after the nature of the obligations allowed and their importance shall have become known, and that such question must, in conformity to the constitutional law of Hayti, be submitted to the legislative chambers.

This Government would not feel disposed to assent to any arrangement for the establishing of a mixed commission, which, after subjecting the citizens to the inconvenience and expense of formulating their claims and collecting and adducing evidence and proofs in support of such claims, and accepting the awards of the commission, would still leave entirely unsettled the question of satisfaction of these awards by Hayti, both as to time and mode of payment. A stipulation should therefore be embraced in the agreement binding that Government to abide by the results of the commission's labors, and to satisfy the awards made against it by payment to this Government, within a fixed period, the amount of the several awards made on account of the claimants who may be citizens of the United States.

I inclose a draft copy of an agreement which may aid you in considering the question in connection with the consuls of the several other powers who may enter into the arrangement.

Before concluding or signing any agreement that may be determined upon between the Haytien Government and the representatives of the several Governments concerned, you will forward an authentic copy to this Department.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 265.]

Memorandum of an agreement between the Government of Hayti of the one part and the Government of the United States of America, the Government of France, the Government of Great Britain, the Government of Germany, the Government of Spain, and the Government of Italy of the other part, for the adjustment of losses suffered by the citizens or subjects of the said several Governments at Post au Prince on the 22d and 23d of September, 1883, resulting from insurrectionary movements and events which occurred in that capital on the two days named.

I. It is agreed that all such claims which shall have been presented by the claimants or in their behalf to their respective Governments parties to this agreement, or which shall be so presented before the day fixed by this agreement for the meeting

of the mixed commission herein provided for, shall be submitted to a mixed commission, to be composed of twelve commissioners, six of whom shall be selected by the President of the Haytien Republic, and one each respectively by the minister resident and consul-general of the United States, the consul of France, the consul of Great Britain, the consul of Germany, the consul of Spain, and the consul of Italy at Port au Prince.

II. The commissioners so named shall meet at Port au Prince within one month from the time of their appointment, and shall, before proceeding to business, make and subscribe a solemn declaration that they will impartially and to the best of their judgment and according to public law and the existing treaties between the several powers who are parties of the second part to this agreement and the Republic of Hayti and these present stipulations, decide all such claims as shall in conformity with this agreement be laid before them on the part of all and each of the several Governments who are parties hereto of the second part, and such declaration shall be entered on the records of their proceedings.

III. Each Government may name an agent to appear before the commission to represent the interests of the parties respectively.

IV. The commission shall have full power subject to these stipulations, and it shall be its duty before proceeding with the hearing and decison of any claim to make and publish convenient rules prescribing the time and manner of the presentation of claims and the proof thereof, it being understood that a reasonable time shall be allowed for the presentation of proofs; that all claims and the documentary proofs in support of them shall be presented only by the Government of the nation of which the private claimant is a citizen or subject; that the award made in each case shall be expressed in writing, the sum to be paid shall be expressed in the gold coin of the country of the private claimant, and the amount shall be paid by the Government of Hayti to the Government of such country at the time and in the manner hereinafter stipulated.

V. The commission shall have jurisdiction of all claims presented to them by either of the Governments who are parties hereto of the second part, in behalf of citizens or subjects of either of said countries for actual losses resulting from spoliations or destruction of property real or personal connected with or growing out of the insurrectionary troubles and events of the 22d and 23d of September, 1883, at Port au Prince. The citizenship of claimants whose claims are presented through their respective Governments shall not be questioned, but the allegation by such Government that the person on whose account a claim may be presented, that he or she is a citizen or subject as the case may be, of such country shall be accepted and taken by the commission as sufficient proof of the nationality of such private claimant.

VI. The expenses of the commission shall be defrayed by a percentage to be added in each case to the amount awarded. The commissioners shall receive each for his compensation a sum not exceeding ———, and the commission may employ a secretary who shall be acquainted with the English and French languages, at a compensation of the sum of ——— per day for every day actually and necessarily given to the business of the commission.

VII. Each of the said Governments hereby agree to accept the awards made in the several cases submitted to the said commission as final and conclusive, and the Government of Hayti agrees to pay within ——— to each of the several Governments who are parties of the second part to this agreement the full amount that may be awarded in favor of the citizens or subjects of the said Governments respectively.

No. 218.

Mr. Langston to Mr. Frelinghuysen.

No. 638.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, April 14, 1884. (Received May 2.)

SIR: Referring to your dispatch No. 265, dated as of the 7th ultimo, having reference to the settlement of the claims of our citizens who sustained losses in connection with the events taking place in this city on the 22d and 23d days of September last, I have the honor to transmit a copy, with translation herewith inclosed, of a paper addressed by the

honorable secretary of state of foreign relations of this Government to the gentlemen commissioners appointed on its behalf to examine and determine the amount to be allowed to foreigners who present claims for losses as indicated. To the terms and conditions of this paper the secretary has informed me that the representatives of the English and French Governments have given their assent, and the claims of their citizens are being now considered by mixed commissions composed of such number of Haytiens and English and French as may be agreed, according to such terms and conditions. In other words, each representative organizes with the Government a commission to investigate the claims of his citizens and determine what shall be paid them.

It will be found that the instructions given the commission, and to which is supposed approval will be given by each representative, unless modifications be made and agreed upon, concern under this paper, the fixing upon competent evidence, the amount which shall be paid a claimant, the same being the direct result of the pillage or fire occurring on the days named; the commission acting as a court of arbitration, whose decisions are not to be revised, but to be final; and in case of an equal division of the commission upon any vote an umpire shall be chosen.

Such is in substance the paper inclosed, with this addition, that no limit of the power of inquiry on the part of the commission is fixed so far as the discovery of the facts in a given case is concerned.

This paper has been given me in an obliging manner (officieusement) for my consideration and decision as to whether I will consent to have the losses of American citizens determined and settled in the way indicated. To such end I await the instruction of the Department.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 638.—Translation.]

DEPARTMENT OF STATE AND OF FOREIGN RELATIONS,
Port au Prince, March 27, 1884.

Gentlemen and esteemed fellow-citizens:

The most important interests of the nation are placed in your hands by the high and delicate mission which has now been confided to you. The Government has, at this juncture, placed its reliance upon your patriotism and enlightenment, and it trusts that you will devote all the activity in your power to its service, to the end that the conferences which you are about to open may be brought to a happy issue.

I do not propose to draw up, in these few lines, a complete series of instructions for your guidance in the discharge of your duties; it will suffice for me to call your attention to some points of the question to be settled, and to state how this question has hitherto been regarded by the Government, with whose views and wishes you will thus be made acquainted.

Your task is, as you are aware, to fix the amount of the indemnities to be awarded to foreigners who suffered direct losses at the time of the occurrences which took place at Port au Prince on the 22d and 23d of September last.

While leaving the responsibility for those scenes of disorder, pillage, and arson to the rioters of that time, the Government has thought that it is now its duty to avoid all difficulties and annoying complications with foreign powers; it has even anticipated the presentation of claims by declaring that it recognizes them in principle, it being happy to give, under these circumstances, the most convincing evidence of its determination to offer every guarantee to foreigners coming to reside among us, and to foreign capital invested in Hayti.

This principle being recognized, it remains for you, taking into consideration all the incontrovertible elements that bear upon the matter, to enter upon the discussion of the amount of the indemnities with the foreign commissions whose members have been appointed by the heads of the legations established in this city.

The English and French commissions now organized are about to begin their work, and I desire that you will come to an immediate understanding with them, and that you will fix the order of your conferences in such a manner as to give full and entire satisfaction to both of them.

The work of the mixed commissions will not be subject to revision; you are to decide in the capacity of a soverign body, and from your decisions there is to be no appeal; the statement of this fact will suffice to enable you to form a correct estimate of the great confidence which is reposed in you by the Government, and will thus induce you to use all the care, discernment, tact, and impartiality that will be required in the cases which you will have to decide.

You are clothed with the powers of a court of arbitration, and in case of tie on the subject of an indemnity to be granted, you will be obliged to appeal to the decision of an umpire.

Your investment with these ample powers renders it your duty, permit me to repeat, to spare no pains for the purpose of collecting the fullest evidence with regard to the facts to be examined and the deplorable consequences which have resulted therefrom.

You must have recourse to the best and purest sources of evidence for the purpose of obtaining material on which to base your decision, so that they may inspire absolute confidence.

After the preparatory work has been performed, which will necessarily consist in the preparation of the list of claimants, in which the amount of the indemnity claimed must be placed opposite to each name, you will cause a statement of the facts on which the claim is based to be filed, together with all the evidence that may be adduced in corroboration thereof.

The discussion of the merits of the claims may then be commenced, and they will be decided by you after conscientious and careful examination.

You are not to lose sight of the fact that the object of your mission consists in determining the amounts of the indemnities to be awarded to foreigners whose interests have been directly affected by acts of pillage or by fire growing out of the events which took place at Port au Prince on the 22d and 23d of September last. It is sufficient to remind you that you must reject claims based upon indirect damages growing out of these acts. No controversy exists with regard to the settlement of these questions. Recent examples are at hand to prove this.

In addition to your already ample powers, the Government gives you an unlimited right of inquiry. This will be the main pivot of your proceedings; and it is important that you should exercise this right in the broadest manner, so as to secure accurate information in the conduct of your examinations.

Seek, by all possible means, the proofs that are lacking to you, summon and examine witnesses, enlighten your judgment by having recourse to all reliable sources, and especially to those official sources of information which cannot fail you.

Suppose indemnity is claimed on account of a loss of merchandise. In the absence of a balance-sheet, or of any other satisfactory documentary evidence, will not the custom-house papers furnish you the data necessary to enable you to form a correct estimate of the nature and importance of the claimant's business?

I adduce but this one example, which it will be proper for you to generalize by having recourse to other departments of the public service, if need be. Such are, in substance, the general instructions by which you are to be guided in your proceedings.

The detailed report, which you will address to me at the close of your labors, together with the proper accompaniments, reports of your sessions, &c., will enable the Government immediately to begin the work of preparing a bill to be laid before the legislative body, determining the manner of paying the claims allowed.

It is proper for me to inform you that these instructions have been communicated to the heads of the legations of England and France, who fully approve them. You may, therefore, begin your labors as soon as you shall have received them.

If, in the course of your investigations, any points of detail that I have been unable to foresee shall cause you any embarrassment, you will be pleased to inform me thereof. I shall hasten to come to an understanding on this subject with the heads of the foreign legations, and I feel convinced that, with the spirit of kindness, conciliation and justice whereby they are all actuated, they will not fail to lend me their co-operation in removing the difficulties and enabling you to terminate, to the satisfaction of all parties, the delicate and important task which has been intrusted to you.

Accept, gentlemen and esteemed fellow-citizens, the assurances of my distinguished consideration.

B. ST. VICTOR,
Secretary of State and of Foreign Relations.

Certified to be a correct copy by the chief clerk of the department of foreign relations.

No. 219.

Mr. Frelinghuysen to Mr. Langston.

No. 272.] DEPARTMENT OF STATE,
Washington, April 21, 1884.

SIR: I forward herewith a copy of a letter of the 12th instant from Mr. W. K. Van Bokkelen, of New York, covering one of the 19th ultimo, wherein Mr. C. A. Van Bokkelen recites the circumstances of his recent arrest and imprisonment at Port au Prince, in regard to which I desire you to furnish the Department with a detailed report.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 272.]

Mr. W. K. Van Bokkelen to Mr. Frelinghuysen.

LAW OFFICE, 155 BROADWAY,
New York, April 12, 1884.

MR. SECRETARY: In forwarding the inclosed I would respectfully inform you that any information required as to facts can be furnished by me.

Yours truly,

W. K. VAN BOKKELEN,
Per W. B.

[Inclosure.]

Mr. C. A. Van Bokkelen to Mr. Frelinghuysen.

PORT AU PRINCE, HAYTI,
March 19, 1884.

HONORABLE SIR: According to letter I had the honor to receive from your Department in reply to mine, inquiring as to the rights of American citizens before the courts in Hayti, in accordance with Article VI of the treaty between these two countries, I duly filed with the civil court of Port au Prince an assignment of my assets for the benefit of my creditors, this being the sole and only way to a discharge from said obligations, having been informed by your Department that I was entitled to all the rights and privileges accorded to Haytien subjects.

I now again ask that our minister resident be informed of these views, and that my rights be protected by him.

Having availed myself of these rights, on the 6th day of this month I was arrested and taken to jail upon a warrant, and upon informing the authorities that by an order issued in the official journal it was made obligatory that before a foreigner could be placed in jail, the complaint should first be submitted to the attorney for the Government for his examination and approval, and signed with his signature, with seal attached, I was told that my commitment must stand, and that I must remain in jail, confined with felons, lunatics, and the like, surrounded by filth, and my health endangered. To this last fact I have, and did present, to the authorities the certificates of three physicians, one of them being Dr. Terres, vice-consul of the United States.

After argument it was decided on the 18th that my imprisonment was illegal on the original papers, but, being in trouble, had caused others to step in and cause my detention upon other and different claims which have to be argued, and in mean time I am confined.

Mr Secretary, I most respectfully ask that protection be afforded me, and that proper satisfaction be obtained for my first illegal imprisonment, and from which followed other troubles, and also for damages that may occur to me from exposure and suffering incurred by my not being allowed to go to hospital or be confined in a suitable place with some sanitary condition, not in a Calcutta hole, the fact being well known, as attested to by the three physicians, of the precarious state of my general health.

In addition I would state that the non-fulfillment by the Haytien Government of its legal obligations is the real cause of my inability to meet my obligations, my family holding its bonds far in excess of my debts, and which bonds, if paid, would be used to liquidate my indebtedness. I notice our minister is pressing a settlement of these.

I am, &c.,

C. A. VAN BOKKELEN.

No. 220.

Mr. Frelinghuysen to Mr. Langston.

No. 283.] DEPARTMENT OF STATE,
Washington, July 1, 1884.

SIR: I forward herewith, in connection with previous correspondence, the inclosed copy of a letter from Mr. W. K. Van Bokkelen of the 27th ultimo, relative to the imprisonment of his son at Port au Prince.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 283.]

Mr. Van Bokkelen to Mr. Frelinghuysen.

NEW YORK, *June* 27, 1884.

MR. SECRETARY: Since your letter of April 21, relative to the imprisonment of my son at Port au Prince, Hayti, I have several from him, the latest of date June 13. At this time he was still held in confinement, in violation of our treaty. May I ask, if not already done, our minister be directed to take positive and strong action to obtain from this (lawless and violators of all rights of American citizens) the Haytien Government a speedy acknowledgment of my son's rights and due and proper indemnity in money for his sufferings.

I am, &c.,

W. K. VAN BOKKELEN.

No. 221.

Mr. Langston to Mr. Frelinghuysen.

No. 647.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, July 7, 1884. (Received July 25.)

SIR: Referring to your dispatch No. 272, dated April 21, 1884, having reference to the arrest and imprisonment of Mr. C. A. Van Bokkelen in this city, I have to state that I have given such subject due investigation; and beg now to submit that it is true that, in accordance with the law of this country, which permits the imprisonment of debtors, on or about the 6th of March last, Mr. Van Bokkelen was arrested and imprisoned, upon a judgment rendered against him some months before for some $3,000 in favor of Messrs. Toplitz & Co., of New York City.

With regard to the suit of Messrs. Toplitz & Co. against Mr. Van Bokkelen it is proper to state that it seems to have been thoroughly contested as between the parties thereto in the lower and upper courts of the country, having been commenced in what is called here the court of commerce, and finally reviewed and passed upon in the court of last resort, the court of cassation.

Having been arrested and imprisoned as indicated, other parties to whom Mr. Van Bokkelen was indebted, the National Bank, Louis Nadal, and Saint Aude, instituted proceedings also against him upon their several claims as allowed by Haytien law and usage, which worked other and additional confinement in prison.

But after his arrest and confinement upon the judgment of Messrs. Toplitz & Co. it was, upon certain proceedings instituted by Mr. Van Bokkelen in the civil tribunal, decided that his imprisonment upon such judgment was not legal, for the reason that Mr. Archin, the lawyer of such parties, in ordering the arrest and imprisonment of Mr. Van Bokkelen had done so without special authority in that behalf as required by the law of this country, and so the matter stands to day so far as the judgment of Messrs. Toplitz & Co. is concerned, for no amended proceeding has been instituted in that regard as against Mr. Van Bokkelen. He has been confined since the finding and judgment of the civil tribunal referred to upon the *recommendation*, as the Haytien law phrases the proceeding, of the other creditors named.

But subsequently to the rendition of the judgment in favor of Messrs. Toplitz & Co. against Mr. Van Bokkelen, the latter undertook to make, under the laws of Hayti, a judicial assignment of all his property, in favor of his creditors generally, and thus secure for himself what is termed in French law language, *le bénéfice de la cession de biens*, as provided for all Haytien debtors under the law of this country. Mr. Van Bokkelen in this proceeding would not deny that he is a foreigner, an American citizen, residing in Hayti. But he claims that although he is a foreigner, being an American citizen, under the treaty of 1864, articles 6 and 9, in spite of any language contained in the civil code of Hayti discriminating in the particular mentioned, against foreigners, even though the phrase used therein be "*les étrangers*," he is by the treaty put upon the same footing, as to this right and its exercise, with the Haytien himself. The civil tribunal, however, of this city, in which he instituted his procedings, as indicated, has decided against him as to his right.

The case is to be appealed, as it is understood, to the court of cassation, where it is possible, though not probable, that the judgment of the under court may be reversed.

Meantime Mr. Van Bokkelen, who, at my request, not being well at all, has been permitted to occupy quarters in the military hospital of this city, remains in what is understood to be confinement.

I have watched this case of Mr. Van Bokkelen from the very moment of its beginning, I have no doubt that under the law of this country, properly interpreted and applied, in connection with the treaty of 1864 as already mentioned, Mr. Van Bokkelen has a right to make an assignment of his property in the interest of his creditors, as he seeks to do judicially, and should thereupon be released from prison.

In a conversation with the President yesterday, with regard to this case, I advised him that I might, at an early day, have occasion to address his Government with relation thereto, having in mind, as I did at the time, that the prison of this city is really not fit for the confinement of a debtor, that the military hospital is very little better, and that Mr. Van Bokkelen is quite unwell, suffering from rheumatism and predisposition to consumption.

I await any instructions which the Department may deem it wise to give in this case.

I am, &c.,

JOHN MERCER LANGSTON.

No. 222.

Mr. Langston to Mr. Frelinghuysen.

[Extract.]

No. 648.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, July 18, 1884. (Received Aug. 6.)

SIR: I have the honor to transmit, as herewith inclosed, a copy of the exposé or message of President Salomon, presented to the National Assembly on the 7th of last month, as published in the official part of "Le Moniteur," the organ of the Government, on the 14th, 19th, 21st, 26th, and 28th ultimo.

In that part of the exposé which concerns foreign relations, the President alludes first of all to the unfortunate insurrectionary events which occurred in Port au Prince on the 22d and 23d days of September, 1883. He claims that such events, in view of the revolutionary condition of the country at the time, the attempts which were made by the insurgents of the capital, calculated to arouse, exasperate, and madden the people of such city loyal to the Government, were natural enough, even when carried to the extent of unhappy popular outbursts, not easily controlled, and a sad strife illuminated by the flames of conflagration. But in the midst of this condition of popular fury and destruction of property he claims that the agents of the Government were seen on every hand exhorting the people to return to order, to become composed, and suspend those reprisals, dictated evidently by a blind but very excusable spirit of retaliation.

He refers, then, to the ultumatum which was presented to him on the evening of the 23d of September by certain representatives of foreign powers, when, as he claims, the Government had the upper hand, and order was being restored. He asserts that the enemies of the Government, quick to take advantage of everything, were pleased to declare that it was foreign pressure which had put an end to the disorders in the streets. But this was untrue.

Perfectly advised as to the views of the enemies of his Government, who understood that, left to their forces alone, they would certainly succumb, the President declares that he was occupied during the ten months of the insurrection in striving to prevent the addition of the danger of an international conflict to the embarrassments of civil war. He nevertheless avows that he ought to have protested against the ultumatum in question.

But, appealing to the senators and deputies as regards this subject, he calls them to judge whether this ultimatum has, in anything, lowered him in public esteem and consideration, who, in 1879, was, upon their free suffrages, elected to the chief magistracy of the state.

Thereupon, after stating that the shocks so violent in the capital of the Republic did not fail to wound every interest there concentered, the President announces that, having put aside the universally-admitted principle that, in the case of a riot or of civil troubles in a state, the interest of foreigners cannot have larger privilege than those of the citizens, he did not await, before making up his mind, the production of foreign reclamations. He claims, then, to have advised the diplomatic corps that he admitted the principle thereof, in settling, apart from the examination to which attention was about to be given, all the anterior acts which had taken place in other localities, and in circum-

scribing thereto only, the occurrences which had taken place in Port au Prince the 22d and 23d of September.

"You will comprehend," he adds, addressing the members of the national assembly, "for what purpose I have taken the initiative of such proposition."

He continues, in explanation of his purpose:

Besides the desire which animates me, of which it is necessary to take account in the occurrence, that of tightening more and more the bonds which bind us to the great powers of the globe, I wish in acting so to cut short interventions whose design is disclosed more and more under the impulse of certain enmities. More, I conform myself in this to a recent usage adopted by different nations who have accorded similar indemnities under the name of succor.

I have therefore restricted the application to the limits demanded by equity and national interest. No necessary precautions have been neglected to restrain the abuses of which the history of our settlements furnishes such unfortunate precedents, and in this I have been strongly sustained by the excellent spirit of the foreign legations.

A commission composed of citizens possessing special fitness as well as exalted honesty, designated naturally according to my choice, has been formed, and my secretary of state has fortified it with precise instructions, which ought to guide it in its labors. England, France, and Germany have named also their commissioners, and already they are at work. The United States, I love to believe, will join soon in this mode of settlement, and we will be able to say then that every subject of conflict had been avoided and that the difficulties approach a favorable solution.

In the course of this session my secretary of state will furnish you a complete book as to this question of indemnities, in which will be found put together the instructions given to our commissioners, judging without appeal and in the last resort the progress of their labors, their decisions, and all the documents which pertain thereto.

In concert with his colleague of finance he will also submit for your approval a project of law intended to indemnify the rightful holders thereof.

As it will be easy for you to attest from this brief preamble, and as you will see from the exposé of facts which follow, the difficulties created by the insurrection which oppressed the country for ten months, and of which the departments of war and the interior will have to make long communication to you, have been numerous; and nevertheless it can be said that in the course of every negotiation undertaken and followed the *ensemble* of our relations with the foreign powers has not been subjected to serious breach.

The spirit of equity of the generality of the members of the diplomatic and consular corps, the prudence and wisdom of my Government, have prevented all occasions for conflict which our enemies counted upon already as one of the chances of their success. The reserve which is imposed upon me prevents my indicating to you those of the representatives of friendly powers whose sympathy for the country snd loyalty in the exercise of their delicate functions have never belied themselves.

It is thus that I would be silent as to the negotiations in progress, the favorable issue which we, of right, await depends upon the secret to observe, the tact of our negotiators, and the justice of our friends.

And why doubt with regard thereto when it is their own cause that we plead, when we ask them to investigate the truth with relation to suspicions which have arisen, when we support them by the evident manifestation of certain intrigues from that of interested supports which have no reason to be.

Comment upon this branch of the President's exposé is only necessary so far as to state that, as concerns the attitude and power of the Government in connection with the insurrectionary movements occurring in this city on the days named; the responsibility of the Government for property destroyed, certainly that of foreign residents even to the full measure of its value, under the circumstances, and the mode proposed for investigation and determining such value, and providing for its settlement upon some indefinite legislative project hereafter to be proposed, and upon some plan merely of succor, as he suggests; and as regards the apparent indisposition on the part of the Government to assume frankly, and without reserve, its responsibility in the premises with relation to all property destroyed in all parts of the country, the result of revolutionary movements, such as the ones described as taking

place at Port au Prince at the time named, there exists on the part of well informed persons, friends even of his administration, representatives of foreign friendly powers, opinions and judgments entirely at disagreement with the views here expressed by him. But the future will develop such opinions and judgments in their power and truth, for these matters will hereafter be made subjects of serious, sober, wise investigation and decision.

The President, in passing, mentions next, with satisfaction, the fact that the interest on the double debt of France has been paid up to April 30, 1884; that such debt, now over a half century old, will soon be paid in full, but promises that before that is done the figures thereof shall be carefully examined according to the agreement of 1870.

He regrets, on the other hand, that satisfaction has not been given to the holders of the obligations of the loan of 1875, and promises, with regard thereto, that the secretary of state of finances will make provision in which the interests of those concerned shall be duly cared for.

Then follow, as translated, certain statements in which we have special interest. He says:

Thanks to the activity of our minister plenipotentiary at Washington, to that of our consuls of New York and Philadelphia, and of our eminent judicial advisors, the different processes brought before the Federal courts, on the occasion of armaments made by the insurgents, have terminated to our advantage and to our satisfaction. The ships Tropic, Mary N. Hogan, and Irvin, seized by us, were found culpable, and their owners and crews, convicted of the violation of the laws of neutrality, have been condemned to the pains and penalties provided in such regard.

In that which concerns the affairs of Pelletier and Lazare, the loyalty of the American Government, in which we have always had confidence, has contributed with our good disposition with regard to a new examination of such questions to lead to an understanding between the two Governments. These affairs will be settled by arbitration. The arbitrator is a learned and impartial citizen of the United States, and we are able to entertain happy hopes upon the result of such questions, which will not probably be delayed.

The affair of Potter has been settled.

* * * * * * *

But the president seizes the opportunity offered in this connection to refer to the claim of Hayti as to the Island of Navassa, employing these words.

Events have forcibly diverted my attention from the question of Navassa. But the principle of arbitration admitted for the settlement of the affairs of Pelletier and Lazare offers as the occasion of extending the benefit thereof to this question, so important, of the possession of the territory of one of our adjacent islands.

* * * * * * *

I am, &c.,

JOHN MERCER LANGSTON.

No. 223.

Mr. Langston to Mr. Frelinghuysen.

No 651.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, July 21, 1884. (Received August 6.)

SIR: Referring to your dispatch No. 265, dated March 7, 1884, having relation to the mode of settling the claims of American citizens sustaining losses in connection with the insurrectionary events of 22d and 23d days of September, 1883, occurring in this city against this Government, I have the honor to advise you that, after due investigation

and consideration, I have presented for settlement the claims named in my note of the 15th instant, addressed to the honorable secretary of state, Mr. St. Victor, a copy of which, with copies of its two inclosures, the first being a memorandum of the several claims, in which is given the names of the various parties and the kind and amount of property destroyed, the second being a memorandum of agreement as to the mode, condition, and terms of their settlement, is herewith inclosed.

As showing all the correspondence that has been had by this legation with the Haytien Government on this subject, I have the honor also to transmit, as herewith inclosed, a dispatch, with its translation, addressed to our vice-consul-general, Dr. J. B. Terres, by Mr. St. Victor, during my late absence on the 22d of May last, with a copy of Dr. Terres's reply thereto on the 23d of the month, and a copy of my own reply thereto on the 28th of June, 1884, from which you will perceive that I do not accede to the proposition of Mr. St. Victor.

It will be perceived on reading the dispatch of Mr. St. Victor that, for the reasons named by him therein, he desired to have this legation consent to fix the 22d of this month as the day beyond which no claims additional to any that might already have been presented against his Government could be submitted. He writes, too, as if he had been in correspondence with me as to the organization of a commission to investigate and settle our claims. Such is not the case. His dispatch is of the character of a circular and was, as I have been informed, sent to the diplomatic and consular representatives generally, especially those whose citizens had through them presented their claims for such consideration by commissions as had been agreed. This was the case with the chargé d'affaires of France and the consuls of England and Germany, who early agreed to and did join in the selection of mixed commissions, as they were termed, to which they consented to submit the investigation and settlement of the claims of their citizens upon the instructions of the secretary of state, Mr. St. Victor, as contained in a document, a copy of which I sent to the Department as an inclosure to my dispatch No. 638, dated April 14, 1884. The commission is mixed in the sense that the Haytien Government names a certain number, two or three of its citizens, to serve thereon, and the representative of the Government the claims of whose citizens are to be considered names an equal number of his citizens to serve with them. Then the persons thus chosen meet and proceed with their work. According to this arrangement no definite and proper work in the premises can be expected, and without agreeing upon the manner of presenting, investigating, and determining and settling the claims no satisfactory results can be reached. So far, then, as might be expected from the first, the proceedings result in nothing but the hurried consideration of the claims presented, their reduction by a sort of general cutting down one-third, one-half, or more, as the case may be, with no time or mode of payment determined. I have not consented to any such arrangement but have presented our claims, though their aggregated amount be small—$29,188.37—in the manner shown in my communication to the Haytien Government, copies of which are herewith transmitted.

So far no reply has been made me by the Haytien Government on this subject.

I trust my action may meet your approval, and that I may have your instructions in the premises without delay.

I am, &c.

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 651.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, July 15, 1884.

SIR: The undersigned has the honor to state that in connection with the insurrectionary movement or events occurring in Port au Prince on the 22d and 23d days of September, 1883, certain citizens of the Government of the United States of America, sustained losses of their property, according to the memorandum thereof herewith submitted to the consideration of your Government for examination and settlement.

In presenting these claims, Mr. Minister, at this time and in this form, it is to be understood that this is done without prejudice to any like claims of American citizens which may be hereafter presented, and without prejudice to any claims of such citizens which may have grown out of any insurrectionary movements or events occurring in any other part of the Republic of Hayti than Port au Prince anterior or during the year 1883.

It is to be equally understood that while it is conceded that in examining and adjusting these claims a consideration of actual and real losses growing out of the events referred to may constitute the rule of such procedure, my Government reserves to itself the right, after full examination, to present diplomatically any claim of one of its citizens, based on the withholding or abuse of any personal rights of such citizens of the United States or indignities to their persons by the officers of the Haytien Government,

The undersigned fully advised, Mr. Minister, that it is the desire of your Government to have such claims as these herewith presented submitted for examination and adjustment to a fixed commission upon such terms and conditions as you and myself may agree, upon the approval of our respective Governments, has prepared and now has the honor, most respectfully, to present, as transmitted herewith, a memorandum of agreement which is believed may prove to be satisfactory to you, and as approved by our respective Governments would bring us to a speedy and satisfactory settlement of the claims herewith brought to your attention.

The undersigned, while awaiting your action in the premises, has the honor to renew to you the expression of his very distinguished consideration.

JOHN MERCER LANGSTON.

[Inclosure to inclosure 1 in No. 651.]

Memorandum of claims presented by citizens of the United States against the Government of Hayti for property destroyed at Port au Prince September 22 and 23, 1883, in connection with insurrectionary movements and events occurring in said city on said days:

Claim of Rev. C. W. Mossell for household furniture, school furniture, beds and bedding, clothing of family, table ware and linen, kitchen utensils, library, jewelry, piano, watches, and cash	$5,551 50
Claim of Mrs. Maria Hamilton for household furniture, beds and bedding, clothes, jewelry, kitchen utensils, and cash	720 00
Claim of Mr. Eugene V. Garrido for household furniture, beds and bedding, crockery, table ware and linen, kitchen utensils, books, trunks, pictures and portraits, jewelry, and clock	2,241 00
Claim of Messrs. Bartram Brothers for 60 cases of butter, in care of Etienne fils, Port au Prince	1,175 87
Claim of Mrs. Isabella Fournier for house burned, furniture, clothing, beds, bedding, jewelry, and kitchen utensils	3,500 00
Claim of Mrs. Evan Williams for fire-proof house, situated on street Front, Forts, Port au Prince, burned	16,000 00

LEGATION OF THE UNITED STATES,
Port au Prince, July 15, 1884.

[Inclosure to inclosure 1 in No. 651.]

Memorandum of an agreement between the Government of Hayti of the one part, and the United States of America of the other part, for the adjustment of losses suffered by the citizens of the said Government of the United States of America at

Port au Prince on the 22d and 23d of September, 1883, resulting from insurrectionary movements and events which occurred in that capital on the two days named.

I. It is agreed that all such claims which shall have been presented by the claimants, or in their behalf, to the Government of the United States aforesaid, party to this agreement, or which shall be so presented before the day fixed by this agreement for the meeting of the mixed commission herein provided for, shall be submitted to a mixed commission, to be composed of six commissioners, three of whom shall be selected by the President of the Haytien Republic and three by the minister resident and consul-general of the United States at Port au Prince.

II. The commissioners so named shall meet at Port au Prince within one month from the time of their appointment, and shall, before proceeding to business, make and subscribe a solemn declaration that they will impartially and to the best of their judgment, and according to public law and the existing treaties between the United States of America, party of the second part to this agreement, and the Republic of Hayti and these present stipulations, decide all such claims as shall, in conformity with this agreement, be laid before them on the part of the party hereto of the second part; and such declaration shall be entered on the records of their proceedings.

III. The Government of the United States may name an agent to appear before the commission to represent the interests of its citizens, claimants as aforesaid.

IV. The commissioners shall have full power, subject to these stipulations, and it shall be their duty, before proceeding with the hearing and decision of any claim, to make and publish convenient rules prescribing the time and manner of the presentation of claims and the proof thereof, it being understood that a reasonable time shall be allowed for the presentation of proofs; that all claims and the documentary proofs in support of them shall be presented only by the Government of the United States of America in behalf of its citizens, the award made in each case shall be expressed in writing, the sum to be paid shall be expressed in the gold coin of the United States of America, and the amount shall be paid by the Government of Hayti to the Government of the United States of America at the time and in the manner hereinafter stipulated.

V. The commissioners shall have jurisdiction of all claims presented to them in behalf of the citizens of the United States of America for actual losses resulting from spoliation or destruction of property, real or personal, connected with or growing out of the insurrectionary troubles and events of the 22d and 23d of September, 1883, at Port au Prince. The citizenship of claimants whose claims are presented shall not be questioned, but the allegation by the Government of the United States of America that the person on whose account a claim may be presented that he or she is a citizen, as the case may be, of such country, shall be accepted and taken by the commissioners as sufficient proof of the nationality of such private claimant.

VI. The expenses of the commission shall be defrayed by a percentage to be added in each case to the amount awarded. The commissioners shall receive each for his compensation a sum not exceeding $———, and the commissioners may employ a secretary, who shall be acquainted with the English and French languages, at a compensation of the sum of $——— per day for every day actually and necessarily given to the business of the commission.

VII. The Government of the United States of America hereby agrees to accept the awards made in the several cases submitted to the said commission as final and conclusive, and the Government of Hayti agrees to pay within six months from the date of the awards to such Government of the United States, party of the second part to this agreement, the full amount that may be awarded in favor of the citizens of the said Government.

[Inclosure 2 in No. 651.—Translation.]

Mr. St. Victor to Mr. Terres.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port-au-Prince, May 22, 1884.

MR. VICE-CONSUL-GENERAL: In the correspondence which we have exchanged in regard to the foreign reclamations provoked by the events of the 22d and 23d September of last year we have omitted an important point on which it is indispensable to come to an understanding at once.

The commissions which we have named to determine the amounts to be awarded to the claimants have been at work since the 28th of last March. The legislative session will open soon, and my Government wishes to be informed of the total and definite amount to be paid in order to prepare and to present to the chambers a project of law regulating the mode of liquidation of these indemnities.

Our object would not be met if we did not determine from to-day the delay after which no reclamation can be presented and submitted to the examination of our commissioners.

I desire to fix this term at the 22d of July of this year and pray you, in acknowledging the receipt of the present, to inform me if you agree with me on this point.

Be pleased to receive, Mr. Vice-Consul-General, the assurances of my very distinguised consideration.

B. ST. VICTOR.

[Inclosure 3 in No. 651.]

Mr. Terres to Mr. St. Victor.

CONSULATE-GENERAL OF THE UNITED STATES,
Port-au-Prince, Hayti, May 23, 1884.

SIR: I beg to acknowledge receipt of the communication which you did me the honor to address me on the 22d instant.

The subject-matter of such communication, however, partakes of a diplomatic nature, and as I am but a consular officer, charged solely with matters of a consular character, I am consequently not qualified, Mr. Minister, to make answer to the proposition suggested in your letter.

Hon. John Mercer Langston, minister resident, will shortly be back at his post of duty, and I shall not fail to bring your communication at once to Mr. Langston's attention upon his return.

I seize the occasion, Mr. Minister, to renew to you the assurance of my very high regard, and to subscribe myself,

Yours, &c.,

JOHN B. TERRES,
Vice-Consul-General.

[Inclosure 4 in No. 651.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, June 28, 1884.

SIR: After paying to you my respects upon my return to my post of duty after an absence of over two months, I beg to state in reply to a note from you which I have had but just now put into my hands, addressed to John B. Terres, esq., on the 22d of May last, having reference to limiting the time to the 22d of next month for presenting claims of American citizens connected with losses occurring on the 22d and 23d days of last year, that it is not at all practicable for me to consent to such arrangement. At this very moment I await the instructions of my Government, with regard to the mode of settling the claims referred to by you, and I cannot consent to any arrangement of any character whatsoever with regard thereto till such instructions are received.

So soon as such instructions shall come to hand, I shall have occasion, Mr. Minister, to communicate with you upon the claims of my citizens.

With sentiments of my distinguished consideration,

I am, &c.,

JOHN MERCER LANGSTON.

No. 224.

Mr. Langston to Mr. Frelinghuysen.

No. 652.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, July 22, 1884. (Received August 6.)

SIR: I have the honor to advise you that, on the 15th instant, according to my note of that date, addressed to Mr. St. Victor, a copy of which is herewith transmitted, I did, after full and thorough investigation with

regard thereto, bring to the attention of the Haytien Government the facts and circumstances connected with the extreme abuse and maltreatment of Mr. C. W. Mossell, an American citizen, and his wife and family, on the 23d day of September, 1883, in this city; and I demanded the redress and satisfaction thereof in the payment of $60,000.

I have the honor to transmit herewith inclosed the full statement of Mr. Mossell with respect to the grievances of himself and his family.

As yet I have not received a reply on this subject from the Haytien Government. Hereafter I shall communicate the response which may be made.

Meantime, I trust that my action in the premises will be approved by you.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 652.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, July 15, 1884.

SIR: The undersigned has the honor to bring to your attention that on the 22d and 23d days of September, 1883, especially upon the afternoon of the last day named, the Rev. C. W. Mossell, a citizen of the United States of America, a missionary of the African Methodist Episcopal Church, residing in this city, preaching and teaching school, as a missionary, with his house and home situated on the corner of the streets, Boune Foi, and Grande-Rue, on the northeast corner thereof, where his wife and family dwelt and where his school was conducted, was with his wife and family, both upon his own premises, in his house and yard and upon the streets, as he, with his family, was compelled to quit the same to seek refuge and protection in this legation, insulted, threatened, abused, assaulted, and maltreated in the most shameful manner, not only by excited and exasperated persons of the populace, but by members of the police force and officers of your Government whose duty it was to protect Mr. Mossell and his family against every abuse of their personal rights as well as against every indignity. Driven thus from his house and home, insulted and abused, as indicated, his house and all his property and effects utterly destroyed by fire set by the same parties who had insulted and abused him, Mr. Mossell has very properly sought redress in an appeal to his Government. And now, Mr. Minister, the undersigned, in submitting this matter to the attention and consideration of your Government, can not doubt that prompt action will be taken by it in the examination and settlement of this case, in the most liberal manner, as the high sense of honor and justice, which must animate it, would dictate.

In suggesting the sum of $60,000, as one measuring, in fact, inadequately the damages suffered and sustained in the abuse of his own personal rights and those of his wife and family, and the indignities shown him and them by the officers of your Government as indicated, the undersigned feels, Mr. Minister, that Mr. Mossell makes but a reasonable demand.

The undersigned, renewing to you, &c.,

JOHN MERCER LANGSTON.

[Inclosure 2 in No. 652.]

Mr. Mossell to Mr. Terres.

PORT-AU-PRINCE, *September* 30, 1883.

SIR: The following is a statement and a matter of fact, which will inform you of what occurred on the afternoon of the 23d of September in and around my house facing La Rue Bonne Foi, Port-au-Prince, Hayti; it will also acquaint you of the acts of violence which were perpetrated on myself and family and those of my household.

On the forenoon of said date my house was fired upon, entered and pillaged and burned. This was done by armed men acting under and obeying the orders of the officers of the Government of Hayti; it was done without the slightest provocation on my part or the part of my household; it was not done ignorantly nor through

mistake; it was not an accident. It was done with intent and purpose, arranged and determined beforehand.

It was done with the most perfect knowledge; for example, the officers of the Government and the authorities in general knew that I occupied the house in which I was found when the attack was made on my house and property, my family, and my person.

They passed by my house the day before and the morning of the 23d, and declared to me on their honor that if we remained in the house we would not be injured.

Not only did we not provoke the attack, but we did, on the other hand, take all the precaution possible to prevent it. We swung from the balcony the American flag, which still waves from the wall and over the ruins of the house in which we lived, bearing silent testimony to the fact that Americans occupied it.

We have already said that our house was entered, we repeat, by soldiers armed with machetes, guns, revolvers, knives, clubs, and swords; more than one hundred thus armed entered my house; they drew their swords on me; they cocked and pointed their guns at me; they avowed with uplifted hands and dreadful oaths their intentions to kill me; but, thanks be to God, through the intervention of Providence and a man who was well disposed, we made our escape into the street.

Three persons, however, before we left the house, were shot in it, viz: Mrs. Pizo, a lady engaged to remain with my wife until after her confinement, and her son, both Spanish subjects; also another little boy about six or eight years old, a British subject, who formerly attended our day school, was shot. He died from the effects the next day. We lost everything, house furniture, school furniture, clothes, provisions, piano, books, jewelry, records, and money.

What they did not carry off they destroyed and burned. As we were leaving the house, in the greatest distress, they pulled out of our hands small packages containing valuables. They set the house on fire before it was possible to get out of it, and when we did get out it was with the greatest difficulty we reached the American legation.

Myself and my wife, who was expecting every day to be confined, and was confined four days later, were abused and assaulted in the streets; our clothes were torn by the hands of soldiers.

The few friendly persons who were doing all they could to protect us gave up in despair and pushed us into a house, where the door was open, saying we can protect you no longer. A few moments after we entered the house the soldiers outside began to fire on it.

Seeing and believing that our persons and lives were entirely insecure we resolved to leave the house into which we had been thrust for protection and try, if possible, to reach the American legation.

On our way we were surrounded and followed by soldiers crying for our blood and declaring their intention to kill us. They pushed their revolvers in our faces and drew their machetes ever our persons. Two different times I snatched from my breast the muzzle of the gun violently thrust there by the strong arms of the soldiers of the Government.

My wife was dragged and hauled in the streets until her strength failed her, and on reaching the legation she fell from sheer exhaustion.

It is impossible to say at the present moment to what extent both my wife and infant baby have been injured by the terrible deeds perpetrated in my house, and the ill treatment she received in the streets of Port-au-Prince, the details of which are herein recorded.

Respectfully yours,

C. W. MOSSELL,
Missionary of the A. M. E. Church, and Superintendent of the Missions of said Church in Hayti.

I solemnly declare that I am a citizen of the United States of America, born 8th June, 1849, in Baltimore, Md.

C. W. MOSSELL.

No. 225.

Mr. Langston to Mr. Frelinghuysen.

[No. 653.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, July 22, 1884. (Received August 6.)

SIR: I have the honor to advise you that on the 15th instant in my note of such date, I brought to the attention of the Haytien Government that in connection with the insurrectionary movements occurring

in this city on the 22d and 23d days of September, 1883, Mr. Eugene V. Garrido, an American citizen, was signally maltreated and abused, and that demand in his behalf for redress and settlement of his grievances is demanded in the sum of $10,000.

I have the honor to transmit as herewith inclosed the statement of Mr. Garrido, on this subject, and a copy of my note addressed to Mr. St. Victor as already indicated.

As yet I have not received response from the Haytien Government on this matter. Hereafter when received I shall advise you thereof. Meantime, I trust my action in behalf of Mr. Garrido will be approved by the Department.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 653.]

Mr. Garri o to Mr. Terres.

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA.
Port au Prince, Hayti, October 10, 1883.

DEAR SIR: The following is a statement of what I passed through during the 22d and 23d September of this present year, while at my post of duty, and which I now bring to your knowledge.

On the 22d, at 11.30 a. m., I found myself on the Bord-Lamer on business of my consulate-general, when I was surprised by the people crying out "take up arms!" Soon as I heard those exclamations pronounced, I took a carriage and hurried to my office. I had not been in the office but a few minutes when you sent Francis requesting of me a flag to protect your private house. At that moment our flag had been already hoisted and the other at my private home for *repairs*. When I thought everything was quiet I closed the office and went for the flag which was under repairs to enable me to send you the small one already hoisted in honor of Mr. Black's death. I made but a few moments' stay. On my return I saw thirty to forty men of the Government well armed before the consulate door. When they saw me they cried out "Qui Vivi." I presented the American colors. They made signs for my advance with their hands, and also said so. Soon as I advanced they opened *fire* at me and continued about twenty to thirty minutes. Thereupon an acquaintance residing near by called me and offered me his house for my protection. On entering, a shot fired by the Government troops entered the very doorway which I passed. The distance between the Government troops and myself not over 100 yards.

Now, my dear Mr. Vice-Consul-General, my life was attempted, and the Stars and Stripes disgracefully insulted by a band of the most loose order of ruffians.

I therefore request at your hands a demand requisite both for me personally, and that the United States of America's colors be saluted.

About 3 p. m., seeing the town somewhat quiet, I went out, and on my return to the legation I ascertained my private house and all I possessed were consumed, not forgetting some of the most ancient and valuable family relics.

Sunday, September 23. On this day my life was again trifled with, in common words, once more attempted. From 5 o'clock a. m. I was standing at the legation door doing acts of charity and humanity in receiving poor, destitute families whose houses were heaped in ashes and some still in flames. About 1 or 2 o'clock p. m. a band of ruffians and soldiers of the Haytien Government, armed with machetes, small arms, knives, and poignards, stopped before the doorway of the legation. I saw coming from the band our poor citizen, Mr. Mossell, along with his wife, being most shamefully treated. Soon as Mr. Mossell reached within the portals a few ladies, already arrived, were seen by this band of ruffians, who cried out, "There they are," and spoke about the liberal party, and placing their guns, machetes, &c., to my breast, they positively insisting to pass through the legation. They handled me roughly, I assure you. As a matter of course I made the necessary resistance; otherwise they would have passed even through my body. While this was passing, Mr. Van Bokkelen came to my assistance; at that moment General Herard Laforest presented himself, and at my request dispersed the rebel mob.

Very respectfully, &c.,

EUGENE V. GARRIDO.

[Inclosure 2, in No. 653.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, July 15, 1884.

SIR: The undersigned has the honor to advise you that in connection with the insurrectionary movement or events occurring in Port au Prince on the 22d and 23d days of September, 1883, besides having all his property destroyed by fire Mr. Eugene V. Garrido, an American citizen at the time referred to, being the clerk of this legation and consulate-general, a person well known in this city, both as regards his character and position, was insulted, abused, assaulted, and otherwise maltreated by officers of your Government upon the streets, even up to the very doors of this legation, when he narrowly escaped the loss of his life. In bringing this matter to the attention of your Government and asking its due investigation and redress, the undersigned cannot doubt that its distinguished lively sense of justice as well as its profound appreciation of the very great wrong done Mr. Garrido, as indicated, will induce its prompt action in the case, leading it to accord in its conclusion, with respect thereto, the amplest redress and compensation in damages.

It would seem in view of all the facts in this case, facts showing so clearly the utter denial of every personal consideration, right, and dignity, even by the officers of the law, as regards Mr. Garrido, that it is within the limits of reasonable equitable demand to name at least $10,000 as the measure of damages.

The undersigned, renewing to you, Mr. Minister, his most distinguished consideration, awaits your early convenient reply in the premises.

JOHN MERCER LANGSTON.

No. 226.

Mr. Davis to Mr. Langston.

No. 288.] DEPARTMENT OF STATE,
Washington, August 14, 1884.

SIR: Your dispatch, No. 651, of the 21st of July last, in relation to claims of American citizens against Hayti, for losses suffered in consequence of the events of the 22d and 23d of September, 1883, has been received.

Your course in the matter, as disclosed in this dispatch, in pursuance of my instructions of the 7th of March last (No. 265), has been discreet and sagacious, and meets with my approval. You will continue to adhere to that instruction, and press for an early settlement of these small claims, amounting, as they do in all, to less than $30,000.

While it is not probable that any other claims of that class will be brought forward by citizens of the United States, you were, nevertheless, right in declining to fix the 22d of July as a limitation to the presentation of such claims.

The date of the meeting of the proposed mixed commission, as embodied in the memorandum which was forwarded to you by the Department and which you have laid before Mr. St. Victor, as a limitation of the presentation of such claims, seems both reasonable and just. You will, therefore, adhere to it.

I am, &c.,

JOHN DAVIS,
Acting Secretary

No. 227.

Mr. Davis to Mr. Langston.

No. 289.] DEPARTMENT OF STATE,
Washington, August 15, 1884.

SIR: Your dispatch, No. 647, of the 7th instant received. It relates to the case of Mr. C. A. Van Bokkelen, and your course in the matter is approved.

You intimate that the adverse decision on the question of Mr. Van Bokkelen's right to make an assignment of his property, for the benefit of his creditors generally, will be appealed from. The Department will await the result of that appeal before considering the expediency of addressing to you further instructions upon the subject.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 228.

Mr. Langston to Mr. Frelinghuysen.

No. 661.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, August 21, 1884. (Received Sept. 5.)

SIR: Heretofore, in my dispatch, No. 651, dated July 21, 1884, I have had the honor of transmitting to the Department a copy of my note, with its inclosures, addressed to Mr. B. St. Victor, on the 15th July last, having reference to the mode of settling and paying of the claims of American citizens connected with the events occurring at Port au Prince on the 22d and 23d days of September, 1883. I have now the honor of transmitting, as herewith inclosed, a copy of the reply of Mr. St. Victor thereto dated July 30, 1884, with a copy of its inclosure, with translation of each.

It will be perceived that after quite a full statement of what Mr. St. Victor conceives to be the international usage, which justifies his opinion that his Government is not liable, under the circumstances, to our citizens whose property was destroyed, and after stating that he had believed and felt that he had a right to believe that I had accepted the doctrine held by his Government on this subject, and had tacitly accepted the mode of settling such claims proposed by it, he concludes his dispatch by declaring that he cannot treat us as a favored nation, but invites attention to a plan of agreement which constitutes the inclosure of his dispatch. In this plan he provides for a mixed commission composed of six persons, who shall have certain powers and discharge certain duties as therein defined and granted, and whose findings shall be final and binding; and the amounts which they shall award shall be paid in money of Hayti, under some special law to be enacted by the corps legislatif.

In my dispatch, a copy of which, dated August 7, 1884, is herewith inclosed and transmitted, I offer three objections to his plan: (1) That the commission may not pass upon the question of the nationality or citizenship of an American claimant; (2) that property destroyed should be estimated and paid for in American money or its equivalent; and (3) that a day fixed and certain should be determined, not ex-

ceeding a reasonable time after the publication of the findings of the commission, for the payment of the awards which may be made.

Then, as you will see, I reserve the full and entire right of our Government to consider and reject any proposition which his Government may make with respect to any one or all of the points submitted.

Hoping that my course may receive your approval in the premises,

I have, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 661.—Translation.]

Mr. St. Victor to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port au Prince, July 30, 1884.

MR. MINISTER: I have the honor to acknowledge the receipt of your dispatch of the 15th instant, No. 273, under the inclosure of which I received two memoranda which you had prepared, one naming the value of the losses sustained by American citizens during the events at Port au Prince, on the 22d and 23d of September of last year, the other fixing the mode which you propose for the settlement of such indemnities.

In this same dispatch you declare, 1st, that such reclamations are submitted without prejudice of other similar ones which may be presented in the future, or of others provoked by insurrectionary movements or events taking place in any other locality of the Republic, before or during the year 1883; 2d, that your Government reserves the right, if it should wish to do so, to employ diplomatic means for all reclamations of its citizens injured in their natural rights or outraged in their person by the Haytien authorities.

International law being explicit in a manner clear and precise upon all these points, I confine myself, Mr. Minister, to giving you the assurances that my Government will respect the doctrine and the jurisprudence constantly followed in that regard by all the civilized nations of the globe.

Thus it is admitted everywhere that Governments are not responsible for losses and damages sustained by foreigners in case of civil war, since sound reason refuses to admit that there is more protection due them than to citizens of the country, who themselves are exposed to all the perils of similar contingencies.

There exists no longer any controversy of the above, and you know as I, Mr. Minister, that a number of Governments have not hesitated for some time to consecrate these principles in their treaties.

So one is able to affirm to-day, without provoking any discussion on the proposition, that all the nations of Europe and of America, without exception, reject the indemnity and diplomatic intervention in favor of foreigners for injuries suffered in case of internal dissension.

I do not doubt at all that the grand Republic which you represent would not fail in honor to respect on this occasion, a doctrine which one of its Secretaries of State has contributed to establish, to affirm, and to generalize by his just refusal to admit the reclamations of Spain in a riot which took place at New Orleans.

As regards the reserve which you make as to certain acts of abuse of authority or of personal outrage, I ought besides to assure you that my Government feels too deeply the sense of duty and justice, not to conform itself strictly in such case to the provisions of international law.

I hope, Mr. Minister, that this declaration of principles will give you complete satisfaction, so that we will not have again, for the time, to return to the above, disposed as we shall be to apply it vigorously, in all its parts, when the facts shall be presented for our examination.

I come to the occurrences at Port au Prince. You know as well as I do the consideration which led the President of the Republic to act when he recognized by a laudable spontaniety, and without any diplomatic pressure, the principles of indemnities to be accorded to foreigners, victims of such occurrences.

He had shown it more than once in his dispatches to the diplomatic and consular corps, as well as in his conferences which had taken place at the same time.

It is not, I ought to repeat it here, that the chief of state would recognize the responsibility of Governments in case of civil war, but he has followed on this occasion the example of certain great nations which have been well disposed to accord, under form of succor, indemnities for damages sustained in certain exceptional cases of internal troubles.

It is not then certainly a precedent to be invoked in the future and in sound logic, this appreciation, as of a case determined, cannot at all influence the doctrine above explained.

It is necessary now that I tell you in all candor, Mr. Minister, that I was painfully impressed at the reading of your dispatch of the 15th instant. I had a right to think that after the ten months which have passed since the occurrences at Port au Prince, the correspondence which you have exchanged with the President of the Republic, the conferences held at the national palace, the acceptance of the bases of a definite settlement by all the powers interested, my circular of instructions to the Haytien commission, whose labors are well nigh determined, I had a right to think, I say, that you had tacitly accepted our mode of procedure whereof you yourself, I believe, had from the first suggested the idea.

After the reception of your letter of the 28th of May, I commenced to feel the contrary, and I have been completely disabused in receiving your plan of special agreement for the American indemnities.

For my Government would this not be to disregard the rules of international law which establishes equality between the states if it take engagement to settle these indemnities in an exceptional manner, and contrary to all that which has been admitted by Great Britain, France, Germany, Italy, Spain, Belgium, and Denmark?

If I accept your plan of agreement, without any modification, the Government of these countries, will they not be able to make reproach against mine for having considered the United States as a privileged nation, and would they not in that respect be right, in rejecting this inadmissible procedure, to declare that the labor of the mixed commission upon the eve of being closed, in that which concerns them, are annulled, and to demand that they be recommenced upon conditions of justice and equality?

If I am compelled to take into consideration your plan of agreement, I am only able to admit and sign it according to the bases arranged with the other powers.

I have then the honor to propose the counter-plan herewith inclosed, which embraces within its limits, and in which are found stated, the principle of law, justice, equality, and reciprocity which cannot be possibly rejected.

I will await, Mr. Minister, your new communications on this subject, and I take advantage of this occasion to renew to you the assurances of my high consideration.

The secretary of state of foreign relations:

B. ST. VICTOR.

[Inclosure 2 in No. 661.—Translation.]

PLAN OF AGREEMENT

Between the Government of the Republic of Hayti, represented by Mr. Brutus St. Victor, secretary of state of foreign relations of the said republic, of the one part and the Government of the United States, represented by Mr. John Mercer Langston, minister resident and consul-general of the United States, of the other part; who, furnished with full power by their respective Governments for the purpose of establishing the mode to be adopted for determining the amount of the indemnities to be accorded to American citizens, victims of the events occurring at Port au Prince the 22d and 23d September of the year 1883, have concluded and signed the following agreement:

ARTICLE 1. All reclamations for direct damages connected with the events at Port au Prince of the 22d and of the 23d September of the year 1883, presented by American citizens, or in their favor by the minister resident of the United States, shall be the subject of scrupulous examination, impartial, and conformed to international law, by a mixed commission composed of six members, three of whom shall be designated by the Govenment of Hayti and three by that of the United States.

ART. 2. If the Government of the United States decides to have an agent to appear before the commission and to defend the interest of its citizens, that of Hayti shall have the same right to name an agent to defend its.

ART. 3. The commissioners named by one party and the other shall meet at Port au Prince one month after their nomination, and shall publish in the official journal of Hayti a notice calling the claimants or their natural or authorized representatives to deposit at the bureau of the commission within the two months which shall follow the publication of this notice their reclamations as well as the proofs in their support.

ART. 4. At the expiration of the two months prescribed no other reclamation shall be deposited, the list of reclamations shall be definitively concluded, and the commission shall commence its labors of investigation, which shall be finally closed within the sixty days which shall follow the opening of said labors.

ART. 5. The mixed commission (which shall publish itself its regulations for fixing the days and hours of its sittings) shall verify first of all the nationality of the claimants who shall have presented to it themselves or by their natural or authorized representatives, according to American law, all the proofs thereto necessary.

It shall exercise a right of inquiry without limit, inform itself at the sources the most fruitful and the most pure, call and interrogate witnesses, demand of public administrations documents which are necessary for it, understand the facts of the reclamation, order the deposit of instruments, arm itself finally with all the means of an indisputable estimation of damages, and decide that which is right.

ART. 6. The commission shall judge in last resort and without appeal.

ART. 7. Every decision shall be taken upon a majority of votes. In case of equality of votes the commission shall inform the secretary of state for foreign relations of Hayti and the minister resident of the United States thereof, who shall provide by nomination a referee who shall decide upon the case.

ART. 8. This referee shall be chosen among the members of the consular corps at Port au-Prince, and if the two Governments cannot agree upon the choice to be made, he shall be designated by lot.

ART. 9. The judgment to be pronounced in each case shall be stated in writing, the sum to be paid shall be expressed in money of Hayti, and delivered to the Government of the United States, or to those having right to it, according to the case, after the mode which shall be determined in that regard by the legislative assembly of Hayti in a special law.

ART. 10. The expenses of the commission, the allowances to the commissioners, as well as the recompense to a secretary familiar with the French and English languages, shall be paid by a percentage deducted from the sum of the indemnities accorded.

ART. 11. The two Governments of Hayti and the United States agree to accept as good, valid, and definitive the decisions of the commission which shall be stated in a general report made in duplicate, to be delivered, one to the secretary of state of foreign relations of Hayti and the other to the minister resident of the United States.

[Inclosure 3 in No. 661.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti August 7, 1884.

SIR: In acknowledging the receipt of your dispatch, dated July 30, last, received on the 31st, having reference to the indemnities to be granted to American citizens sustaining losses in connection with the events of the 22d and 23d days of September, 1883, at Port au Prince, with its inclosures, without accepting or denying any principle of international regulation or usage discussed by you therein, and reserving all rights which may appertain to any American citizen in that behalf, I have the honor to state that, wishing to agree with you as to the mode of settling by mixed commission the losses referred to, I wish to submit three matters with respect to which there seems to be disagreement between you and myself.

1. I cannot consent to have a commission which may be organized, decide upon the question of the nationality or citizenship of an American claimant. Such fact is a matter for decision of my own Government.

2. The value of any property destroyed as indicated which may become the subject of investigation and consideration by the commission should be estimated and paid for in American money, or its equivalent.

3. A day fixed and certain, not exceeding a reasonable period from the date of the publication of the findings of the commission, should be determined as the time when your Government will pay the awards which may be made against it.

While reserving, Mr. Minister, the full and entire right of my Government to consider and reject any proposition which your Government may make with respect to all or any one of the points herein submitted for your consideration, I have the honor to ask your immediate considerate reply thereupon.

Renewing to you, &c.,

JOHN MERCER LANGSTON.

No. 229.

Mr. Langston to Mr. Frelinghuysen.

No. 662.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, August 21, 1884. (Received Sept. 5.)

SIR: I have the honor to transmit, as herewith inclosed, copies of the correspondence which has up to this date passed between this legation and the Haytien Government with regard to the abuse and maltreat-

ment of Rev. C. W. Mossell, on the 23d day of September, 1883, and his demand therefor.

You will find among the inclosures hereof first a copy of the dispatch of Hon. B. Saint Victor, dated July 29, 1884, with its translation, in which he acknowledges the receipt of my dispatch of the 15th ultimo, already transmitted to the Department, and, after regretting that this matter had not at once been brought to the attention of his Government, expresses his willingness to investigate it properly, and do that with respect to reparation in the premises which may be sanctioned by international law.

You will find next among the inclosures of this dispatch two dispatches, dated respectively August 7 and 13, 1884, addressed by me, according to their dates, to Mr. St. Victor. In the first I acknowledge the receipt of his dispatch, thank him for the kindly spirit he exhibits with regard to the investigation of the case, remind him that he has already the statement of Mr. Mossell, as presented in my first dispatch, on the subject, but promise that he shall hear from me more fully with respect thereto at an early day. Accordingly, on the 13th instant I write him my second dispatch, in which I set out, in precise and detailed manner, the character and standing of Mr. Mossell and his family; their relations to and Christian benevolent labors for the community; their success in the building of a church in Port au Prince and establishing a school; claiming that their loyalty to the present administration of the government and country cannot be denied, nor their presence and influence in Hayti be regarded as any otherwise than desirable and beneficial; and, after stating quite at length the abuse and maltreatment of Mr. Mossell and his family at their home, along the streets, to the very doors of this legation, I refer Mr. St. Victor to persons well known in this city with whom he might confer, should he desire, with reference to the facts of the case as presented.

As I have investigated this case, and I have done so with great care, I have been led to regard it in the light of the facts pertaining to it as an aggravated and outrageous affair, for which the Government of Hayti, under the circumstances, should be held to strict and thorough accountability, and generous and liberal reparation.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 662.—Translation.]

Mr. Victor to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port au Prince, Hayti, July 29, 1884.

MR. MINISTER: You advise me for the first time of your dispatch of the 15th July, No. 274, about ten months after the events took place at Port au Prince, in September of last year, that the Rev. C. W. Mossell, a citizen of the United States of America, had been, with his family, insulted, outraged, assaulted, maltreated on the afternoon of the 23d of September by the irritated populace and the authorities of the place up to the doors of your legation, where he found refuge.

I ought to regret, first of all, that this notice should have come so tardily to the Government, being persuaded that an immediate inquiry made the next day after the events would have been more efficacious than that which you demand now.

Nevertheless, Mr. Minister, I am entirely disposed to occupy myself thereof, for it alone, according to my judgment, is able to establish after an impartial manner the nature, the sum of the damages, and the amount of a just reparation, if there be any to be accorded by international law.

Every amount fixed without such previous examination, resting upon no foundation, appears to me to be arbitrary.

The Rev. C. W. Mossell is able, without doubt, to put us in the way to indicate, for example, the persons to question upon the bad treatment of which he complains, to furnish us so the first and principal elements of an inquiry which my Government is ready to prosecute to the end, in order that light may be cast upon the facts which interested passion never ceases to exaggerate in moments of civil troubles which aggravate a country.

Before, then, giving you upon the question an opinion, I have the honor to ask you to question the Rev. C. W. Mossell upon the points which I have indicated to you above, and to accept at the same time, Mr. Minister, the assurances, &c.

B. ST. VICTOR.

[Inclosure 2 in No. 662.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, August 7, 1884.

SIR: Acknowledging the receipt of your dispatch of the 29th of last month, received on the 31st, I have the honor, after thanking you for the kindly spirit in which you would seem to meet me in the consideration of the matter of the maltreatment and abuse of the Rev. C. W. Mossell on the 23d day of September, 1883, to advise you that I shall at an early day, have occasion to communicate with you still further with regard to such matter. Meantime I beg to remind you that in bringing to your attention the statement of Mr. Mossell, with regard thereto, which can be abundantly substantiated, his case as far as his demand is concerned is pratically made.

Renewing to you, &c.,

JOHN MERCER LANGSTON.

[Inclosure 3 in No. 662.]

Mr. Langston to Mr. Victor.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, August 13, 1884.

SIR: Referring to my dispatch No. 287, addressed to you on the 7th instant, having reference to the case of Rev. C. W. Mossell, I have the honor, in accordance with my promise, to state further in regard to such case that Mr. Mossell, a Christian Protestant missionary, residing and laboring in the city of Port au Prince and the neighboring country as preacher and teacher for the past eight years, supported entirely by Christian friends, residents of the United States of America interested in him and his work in this country, has, not only by his devoted and laborious earnest missionary life among your people, but by many special patriotic acts of self-sacrifice, shown himself the intelligent and constant friend of the present administration of your Government and the country. A man of sound and general education, of rare christian culture and devotion, he found his desires and aspirations satisfied in his labors, freely and graciously given, even under the most difficult and trying circumstances at times, for the religious and educational elevation and advancement of such of our people and youth as happen to come within the circle of his influence. Thus he found himself laboring in his own house, with his wife, a pious, cultured, devoted, self-sacrificing person, remarkable for her efficiency and success both as a teacher and missionary, when, on the 23d of September, 1883, his home, in which the family of the late honorable Edward Pinckombe, had, at the time, found hospitable, cordial, Christian shelter, was entered again and again, first by officers and soldiers and policemen of your Government, who in rudest manner, demanded to know who was there, searched in every part to find out who was there, and, for the considerate and respectful treatment accorded them by Mr. Mossell and his family, who declared that they were all Americans and friendly and loyal to the Government of the country, insulted, threatened, and maltreated them. And finally when the Pinckombe family, well known to be in Mr. Mossell's house, had been sent for some three times by officers of the Government and others, and was at last conducted thence by an aid-de-camp of the President, as he stated, in obedience to his orders, such officer refusing in positive and offensive terms protection or aid to Mr. Mossell and his family, even to his wife, at the time in the most delicate, feeble, and helpless condition, though demanded, implored, especially for his wife in the condition indicated, and his child, the house was entered, in the presence and through the influence of officers of your Government, by armed soldiery and police, who abusing and maltreating, as it would seem with renewed

devilish purpose, Mr. Mossell and his family, not sparing his wife nor his little girl, threatening to shoot and kill them, and to such end using their pistols, guns, and swords in the most frightful barbarous way against the person, the face, the head, and body of Mr. Mossell and in the midst of the family, finally throwing kerosene oil about the floors, stairways, doors, and woodwork of the house, set it on fire and thus with smoke and flames and threats of violence drove Mr. Mossell and his family out of his house, from the gallery of which floated at the time his American flag, into the street, where as he attempted to make his way with his wife, whom he sought specially to protect with his family, to this legation, he and they were still abused, maltreated, threatened, assaulted, by the same parties, even to the very doors of the legation, where Mr. and Mrs. Mossell, after some two hours of desperate struggle over every inch of the way, with their child and other members of their family lost from them, arrived, escaping barely with their lives through the energetic and manly conduct of one or two friends, who were good enough to aid them somewhat on the way, and Mr. Garrido on their arrival.

The facts, in this case Mr. Minister, are imperfectly stated by me; the aggravation and torment of the incidents so causeless and outrageous, connected with it, cannot be described.

The parties, too, Mr. Minister, to this case are well known both by their good name and labors in this city and country. And when we consider the work which they have already accomplished among your people in the erection of a modest but excellent church structure, situated in the southwestern part of this city; the maintenance and conduct of a large and respectable congregation of orderly worshippers assembling regularly therein; and the establishment and support of a flourishing day-school, numbering at the time of the occurrence of the sad events referred to, quite one hundred pupils, all taught free of charge, and without distinction of any sort, we may not doubt as to their loyalty and devotion to your Government and country, nor as to the value and influence of their presence in your midst.

But I do not dwell upon such considerations. Mr. Mossell and his family are American citizens residing in this country, pursuing an honest, orderly manner of life; and instead of abuse, maltreatment, threats, assaults, and outrages, they are entitled to due consideration, respectful considerate treatment and protection certainly from officers, soldiers, and policemen of the Government.

The statements made, Mr. Minister, as regards this case are, as you must perceive, susceptible of the easiest confirmation. I have indicated to you herein already sources of information with relation thereto. Mr. Mossell and his family were outraged, as stated, on the afternoon of the 23d day of September, 1883, at his house near the corner of Rue Bonne-Foi and Grande-Rue; and as they left there along Rue Bonne-Foi to the house of Mr. Etheart in the Rue du Center, which they entered for a few moments, but in hopeless protection against their pursuers; thence they were forced to return and go up Rue Bonne-Foi to Rue de la Croix, along the last named street to Rue des Miracles, down this street to Rue du Center, and thence to this office; making their way as best they might in the presence of and against a large and formidable concourse of people. The outrage upon them was perpetrated in the presence of a multitude.

Mr. Mossell himself, Mrs. Mossell, their friends, Messrs. Thomas M. Brown, George L. Brown, Francois Brown, Miss V. G. Brown, Mrs. J. Puzo, and Miss Alice Bordie, and Messrs. Van Bokkelen and Garrido, not to name others, who were eye-witnesses of the occurrences mentioned, know all about the insults, abuses, and outrages, experienced as stated by this Christian missionary American family.

I hope, now, Mr. Minister, that this case will command the immediate serious and just consideration of your Government, and that its definite just solution and settlement may be concluded without unnecessary delay.

Renewing to you, &c.,

JOHN MERCER LANGSTON.

No. 230.

Mr. Langston to Mr. Frelinghuysen.

663.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, August 27, 1884. (Received Sept. 12.)

SIR: I have the honor to transmit to the Department, as herewith inclosed, copies of the correspondence which has taken place since the 29th ultimo between this legation and the Haytien Government with regard to the reclamation of Mr. Eugene V. Garrido.

A copy of the dispatch of the minister of foreign relations, Mr. B. St. Victor, dated July 29, 1884, with translation, is herewith inclosed.

The honorable secretary expresses in his dispatch, while he signifies his regret that the matter was not sooner brought to his attention, his willingness to give it his earnest and thorough investigation, promising to do in the premises what international law may justify. In my dispatch of the 1st instant, a copy of which is herewith inclosed, after acknowledging the receipt of his first mentioned, assuring him that time has been taken to investigate the case, thanking him for the kindly spirit which he exhibits with respect to its consideration, I promised to let him hear from me again at an early day touching the subject. Accordingly, on the 13th instant, I wrote him, stating more fully and with greater particularity as to time and place and circumstances of the abuse and outrage shown Mr. Garrido, indicating at the same time the names of persons of whom Mr. B. St. Victor may require concerning the case, should he desire to do so.

A copy of my dispatch of such date and to such effect is herewith inclosed. To both of these dispatches I await the reply of Mr. B. St. Victor.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 1 in No. 663.—Translation.]

Mr. St. Victor to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port au Prince, July 29, 1884.

MR. MINISTER: I have the honor to acknowledge the receipt of the dispatch of July 15 last, in which you bring for the first time to the knowledge of the Government, about two months after the events took place at the capital, the 22d and 23d September of last year, that during their occurrence Mr. Eugene V. Garrido, American citizen, secretary of the United States legation, had been insulted, outraged, assaulted, and maltreated by the officers of the Government in the streets, and even to the doors of your legation, where he was able to escape barely with his life.

Permit me to express to you first, Mr. Minister, the regret that this information should have reached the Government so tardily, for I am positive that an inquiry had the day after the events would have proved more efficacious than that which you now propose.

Nevertheless, I am entirely disposed to occupy myself with such inquiry which alone, according to my judgment, is able to establish in an impartial manner the nature, the extent of the damages, and the amount of a just reparation, if there be any to accord, according to international law.

Any amount fixed without such prior examination, resting upon no foundation, appears to me to be arbitrary.

Mr. Eugene V. Garrido is, without doubt, able to put us on the track indicated to us, for instance, the person to be questioned upon the bad treatment of which he complains, furnishing us thus the first and indispensable elements of an inquiry which my Government is interested in prosecuting to the end, in order to throw light upon acts which interested passion never fails to exaggerate in moments of civil troubles which agitate a country.

Before giving, then, any opinion on the question which occupies us, I pray you to be good enough and question Mr. Garrido upon the points which I have indicated here above.

Be pleased, &c ,

B. ST. VICTOR.

[Inclosure 2 in No. 663.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, August 7, 1884.

SIR: Acknowledging the receipt of your dispatch of the 29th of July last, received on the 31st, concerning the matter of the maltreatment of Mr. Eugene V. Garrido, an American, I have the honor to say to you that this case has been made the subject of serious, and earnest, and thorough investigation by this legation, and full opportunity and time having been taken and employed in that behalf, it has been brought to your attention, that you might duly investigate, consider, and settle it.

Thanking you for the kindly spirit in which you meet me with regard to the consideration of this very serious affair, I have the honor to advise you that at an early day I shall have occasion to communicate with you again thereupon. Meantime, Mr. Minister, I would beg you to understand that the statement of Mr. Garrido, the substance of which I have already submitted to you, is abundantly capable of the fullest support, since he was maltreated in the public streets, and in the presence of a crowd of witnesses. It will not be difficult, Mr. Minister, for you to find upon due examination that his statements as to his abuse are entirely true.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure 3 in No. 663.]

Mr. Langston to Mr. St. Victor.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, August 13, 1884.

SIR: Referring to my dispatch No. 286, addressed to you on the 7th instant, having reference to abuse and maltreatment of Mr. Eugene V. Garrido, on the 22d and 23d days of September, 1883, I have the honor, for your convenience of investigation with regard thereto, to state with greater particularity and fullness the facts as respects the circumstances of place and time thereof:

It was about noon, on the 22d of September, 1883, when Dr. J. B. Terres, vice-consul-general of the United States of America, at that time in charge of this office during my absence, sent to Mr. Garrido, then acting as a clerk in the legation and consulate-general, for a United States flag, for use at his residence. The flag which was to be sent to Dr. Terres was at the time being repaired at Mr. Garrido's house, in the northern part of the city. Not having a boy at hand to send for it, Mr. Garrido went for it himself. He reached his home, secured the flag, and was returning with it in his hands. When he reached the Rue des Miracles, on his way back to the office, he saw in front of him, a short distance down the rue du Centre, some 30 or 40 well-armed men of the Government, who cried qui vive, at first. When the flag carried by him was presented to them, they beckoned to him to come; he advanced, and they immediately opened fire upon him, following him as he retreated back under the gallery of the house of Mr. S. Rouzier, in the Rue du Centre, and from there still back to the house of Dr. Branch, which he entered, situated upon the southwest corner of Rue du Centre and Bourse Foi. In this house, through the kindness of its occupant, Mr. Garrido was obliged to remain for a long time sheltered against these soldiers, who, firing thereupon as he entered, came near overtaking him and his rescuer by their shot; in fact, Dr. Branch was slightly wounded. Mr. Garrido must have been well known to the persons who made such demonstrations of violence and outrage against him, and it requires the largest possible degree of charity to imagine that they did not know his position in connection with this office.

But on the 23d day of the same month, as Mr. Garrido was engaged at the door of this legation in the performance of duties which properly enough commanded his attention under the circumstances, he was, between 1 and 2 o'clock in the afternoon, again maltreated and abused, being insulted and roughly handled by a crowd of soldiers, from whose violence he was finally saved through the good offices of Mr. C. A. Van Bokkelen, who called General Herard Laforest, who happened to be passing at the time, and who, with the greatest and most violent exertions, dispersed the crowd.

The facts as here detailed, Mr. Minister, sustained by the solemn declaration of Mr. Garrido himself, supported by the statement of many others, are not difficult of comprehension, are easily substantiated, and support in the clearest manner the demand which I have had the honor to make already in his behalf. I trust this case may now command, Mr. Minister, your immediate consideration and its solution and settlement be determined at a very early day.

I am, &c.,

JOHN MERCER LANGSTON.

No. 231.

Mr. Frelinghuysen to Mr. Langston.

No. 300.] DEPARTMENT OF STATE,
Washington, October 1, 1884.

SIR: Mr. W. K. Van Bokkelen, father of Mr. C. A. Van Bokkelen, whose arrest and imprisonment at Port au Prince for debt has been the subject of recent correspondence with your legation, naturally shows the greatest solicitude for his son, and frequently addresses the Department in his behalf, while your No. 647 of July 7 last, in giving a detailed statement of the case, said that Mr. Van Bokkelen's health was not very good, and that in consequence thereof you had succeeded in having him removed from the jail to the military hospital.

I am constrained, therefore, to inquire whether the appeal foreshadowed in your No. 647 has been taken, and, if so, whether the decision of the court of cassation has been rendered. If not, and Mr. Van Bokkelen is still in confinement, you will take every proper step to obtain his immediate release.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 232.

Mr. Langston to Mr. Frelinghuysen.

No. 680.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, Oct. 30, 1884. (Received Nov. 14.)

SIR: I have the honor to transmit, as herewith inclosed, with its translation, severally, a copy of the law, proposed by the President and passed, on the 3d instant, by the Legislative Assembly of Hayti, with regard to the settlement of the indemnities connected with events of the 22d and 23d days of September, 1883, at Port au Prince, as published in the official section of Le Moniteur of Saturday, October 18, 1884.

This law recognizes a debt against the state for the payment of indemnities, as therein prescribed, amounting to $588,418.

This sum is to be paid upon coupons of indemnity commencing with November 30 next, when $98,069.16 shall be paid; and thereafter on September 30 of each year, 1886, 1887, 1888, 1889, and 1890, one-sixth of the amount remaining shall be paid.

The amount is to be raised, as provided, by a surtax of 10 per cent. on exports, which is to be collected according to existing laws. Any annual surplus shall be carried to following year, to be employed for the purpose named, or to pay the claims of any persons whose right has not yet been determined.

It is provided in the last two articles of the law that the reports of the commissions, the documents and the diplomatic correspondence pertaining to the claims shall be published, and that its provisions shall be executed by the secretary of state of foreign relations and of finances as regards that which concerns the one and the other.

It will be perceived from article 1st of the law that the indemnities specifically mentioned as having been verified and admitted are the English, German, Belgian, Danish, French, and Spanish.

Ours have not as yet been settled, as up to this time I have refused to

accept the terms of settlement offered by the Haytien Government. It has been stated to me, however, by the secretary of state of foreign relations that the appropriation is ample to include our claims when settled as his Government proposes.

It has been stated also that the representatives, diplomatic and consular, of the several nations mentioned in the law are not willing to accept the settlement as far as the term of six years for the payment of the indemnity is concerned. In fact, the gentleman who is at present representing the English Government has made written formal protest against it. I await the result thereof, and in the mean time I shall insist upon the settlement and payment of our claims in the manner heretofore demanded of this Government, and of which I have fully advised you.

I am, &c.,

JOHN MERCER LANGSTON.

[Inclosure in No. 680.—Translation.]

Law.

SALOMON, PRESIDENT OF HAYTI.

Whereas it is necessary to regulate in an equitable manner the indemnities agreed by the mixed commission in connection with the events of Port au Prince of the 22d and the 23d of September of the year 1883, upon the proposition of the secretary of state of foreign relations, and upon the advice of the council of secretaries of state, has proposed and the legislative body has enacted the following law:

ARTICLE 1. The sum of $588,418 (gourdes), the amount of the English, German, Belgian, Danish, French, and Spanish indemnities already verified and admitted by the mixed commissions conformably to the table annexed to the present law, shall be recognized as the debt of the state.

ART. 2. There shall be delivered to those having the right thereto six equal coupons of indemnities at maturities fixed at the 30th November of this year and the 30th September of each of the years 1886, 1887, 1888, 1889, and 1890.

An ulterior regulation of the public administration shall determine the drawing, the modes of delivery, and of withdrawal as well as the signers of these bills.

ART. 3. There shall be open to the secretary of state for foreign relations, in the budget of the year 1884-'85, a credit of $98,069.16 (goudes) for the payment of the maturity of the 30th November next.

ART. 4. This sum shall be covered by an additional duty of 10 per cent. upon exports, which shall be collected conformably to the existing laws.

ART. 5. The proceeds of this surtax shall be specially set apart to the payment of the bonds of indemnities, and the annual surplus, if there be any, shall be carried to the following year, to be employed in like manner, or to indemnify claimants whose right has not been determined up to this time.

ART. 6. Publicity shall be immediately given as well to the reports of the mixed commissions as to the documents relating thereto, and to the diplomatic correspondence pertaining to such indemnities.

ART. 7. The secretary of state of foreign relations and the one of finances shall be charged each in that which concerns him with the execution of the present law.

Done at the Chamber of Representatives, at Port au Prince, the 3d of October, 1884, the eighty-first year of Independence.

No. 233.

Mr. Langston to Mr. Frelinghuysen.

No. 683.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, Nov. 8, 1884. (Received Nov. 21.)

SIR: Referring to your dispatch No. 300, dated October 1, 1884, relating to the case of Mr. C. A. Van Bokkelen, now pending in the court of cassation, by appeal on his own action, I have the honor to state that

I have from the first done all I could consistently to conserve and advance Mr. Van Bokkelen's interests in connection with the suits upon the judgments of which he is now imprisoned—confined in the military hospital of this city—but since I received your instruction, on the 22d ultimo, to do all in my power practicable to secure his immediate release, I have, through the kindness of the honorable secretary of state of foreign relations, had an interview with the honorable secretary of state of justice with regard to the case, the law questions involved in its consideration and decision as respects our treaty with this Government and the rights of American citizens residing in this country and doing business here, and the importance of having the case heard and determined at once, thus securing the speedy release of our citizen. The secretary with whom I had this conference, on the 6th instant, heard me patiently, and assured me that the matter should command his immediate attention, and that he would press its decision to the extent of his ability at once.

I shall do all I can consistently to carry out successfully your instructions.

I am, &c.,

JOHN MERCER LANGSTON.

No. 234.

Mr. Langston to Mr. Frelinghuysen.

[Extract.]

No. 685.] LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, Nov. 8, 1884. (Received Nov. 21.)

SIR: I have the honor to bring to your attention, as herewith inclosed and transmitted, a copy of a dispatch, with its translation, received on the 6th instant, from Mr. St. Victor, having reference to the reclamations and claims of American citizens connected with the occurrences of the 22d and 23d days of September, 1883.

In his dispatch the honorable secretary of state mentions the fact, incidentally, that we have had two conferences at the national palace in the presence of the President, in which the reclamations and claims referred to constituted the subject of debate. He forgets to state, however, that I consented to such conferences, and in the presence of the President, in view of the declaration of such high functionary, that he very much desired to settle all the matters in difference between us amicably, if possible, but especially the reclamations of Messrs. Mossell and Garrido. It was to test the sincerity of such profession that I did offer to settle the claim of the last-named person for $5,000 in cash, and that of Mr. Mossell for $25,000 in cash, a perpetual annuity of $200 per month, for his school-church (Protestant) located in this city, and the release of the man whom he supposed to be a political prisoner, who served his family so signally on the 23d of September, 1883, by taking care of and saving his little daughter.

* * * * * * *

You will perceive that the secretary advises me in his dispatch that he proposes to institute a special commission for the investigation of the cases of Messrs. Mossell and Garrido, and promises to let me have notice of the time to be hereafter fixed for its meeting. He hopes thus

to find the facts of the cases so as to be able in the light thereof to determine the amount which his Government ought to pay.

Thereafter he passes to the discussion of the three points of difference between us, as regards the money in which estimates and payments shall be made of the claims of our citizens for their property destroyed, the time when the payments shall be made, and that it shall be determined by the Corps Legislatif of his Government; and finally of the mode of determining the nationality or citizenship of a claimant, he holding that, as shown in connection with mixed commissions constituted by our own with other Governments named, the commission is alone competent to determine such question. He does, however, at last, as it would seem, agree to discuss with me and determine, before any of the claims be presented to the commission which may be constituted, any question that may present itself having reference to the nationality of any one or all of the claimants.

The ease with which the secretary passes over the matter of time of paying any amount which may be found due one or all of our citizens, claimant or claimants, might lead one to think that that was not one of the points upon which I do and shall insist with vigor and decision. The Corps Legislatif has no right after this Government has destroyed an American citizen's property to put the day of paying therefor off beyond a time which is reasonable and just.

I have deemed it wise to transmit this dispatch to the Department, covering, as it does in its way, and from the Haytien standpoint, all the matters of law and equity claimed by this Government to effect the questions in debate by this legation with the department of state of foreign relations, and ask the final and full instructions of the Department with regard thereto.

Of course, the Department will perceive that this legation labors under some little embarrassment by reason of the fact that it appears that other Governments represented near this, other than our own, have consented to the mode of settling the claims under consideration proposed by this Government. I await, therefore, any early additional instructions which, in view of the positions taken in this dispatch, the Department may be pleased to give.

I have also the honor to transmit, as herewith inclosed, my note, dated to day, addressed to Mr. St. Victor, in which I acknowledge the receipt of his dispatch, and while I insist upon his acceptance of the memorandum which I submitted, on the 15th of July last, to his Government as constituting a just basis upon which to examine and settle our claims and reserve all the rights and interests that pertain to our citizens, both as regards their claims and reclamations, demanding their immediate settlement, I advise him that I shall bring his dispatch in communication to your attention.

I am, &c.,

JOHN MERCER LANGSTON.

[Enclosure 1 in No. 685.—Translation.]

Mr. St. Victor to Mr. Langston.

DEPARTMENT OF STATE OF FOREIGN RELATIONS,
Port au Prince, November 6, 1884.

MR. MINISTER. I was about to reply to your two dispatches of the 23d of September, Nos. 294 and 296, when it was agreed between us that we would attempt by verbal conferences to arrive at a definite understanding upon the points which divided us

relative to the Mossell and Garrido reclamations and to those of American citizens in general connected with the events at Port au Prince last year.

Our first conference took place at the national palace in presence of His Excellency the President of the Republic, and I had right to hope that a second would place us in complete accord.

I have the regret to witness that it has not done so.

In fact, Mr. Minister, in this second conference, after we had occupied ourselves with the different reclamations upon which I shall have to revert with you in other dispatches, we were occupied with those of Messrs. Mossell and Garrido.

You remember that in the purpose of my Government they ought to form the object of a special inquiry which should verify the correctness of the complaints of Messrs. Mossell and Garrido, in order to establish in an impartial manner the amount of the indemnity to be accorded them, such being the case.

In our interview you consented to reduce by one-half the figure of $10,000, which previously you had demanded for Mr. Garrido, and in that which concerns Mr. Mossell you brought his first figures from $60,000 to $25,000, provided that the Government would engage itself to allow him a monthly sum of $200 as a subvention of a Protestant school which he would establish at Port au Prince, and would liberate upon his demand a person detained in the prison of this city, whom he should designate.

I have not deemed it necessary to dwell upon this proposition which seemed to confer upon Mr. Mossell one of the highest governmental attributes, and whereof the chief of state himself is only in part possessed.

I confirm to you then, Mr. Minister, that my Government is disposed to pursue the projected inquiry, and I pray you to to inform Mr. Mossell and Mr. Garrido, who will be called at the proper time by the examiners.

I will have the honor to advise you of such time.

Permit me to hope that in view of their report our two Governments will be able to regulate the question after a manner just and equitable.

Relatively to the reclamations generally of American citizens, with respect to the events at Port au Prince of last year, you told me in this second conference that in view of the smallness of your figure, very inferior to that France, amounting to $400,000, I ought to accept without discussion your first memorandum.

I would pray you to remark, Mr. Minister, that the examination of all similar reclamations to those which occupy us had been confined to mixed commissions upon basis assuredly less advantageous than those which I have had the honor to propose to you. In all of these questions of equity and justice they had there was made abstraction of the number and of the amount of the reclamations.

Thus, although the Spanish claimants have obtained only $7,850; the Belgian, $3,056; the Danish, $1,160.75; procedure was had with them in the same manner for the French, to whom there has been allowed $413,399.50; the English, $87,403; and the Germans, $77,350.

All these reclamations passed through the same formalities.

If certain figures are higher than others, it is evidently in consequence of the number of the claimants and of the extent of the damages attested.

In the second analysis you have added, Mr. Minister, that for the reasons which you express, you could not change in any respect your memorandum of the 15th of July.

That was exaatly that which you wrote me the 23d of September (dispatch No. 296).

I had always thought, nevertheless, and I continue to be of the same mind since our correspondence establishes it fully, that you had agreed with me upon *the counter-project which I have had the honor to submit to you*, except upon the three points which follow:

1. Denomination of the money in which the indemnities are to be adjudged.
2. The time of payment.
3. Establishment of the nationality of the claimants.

It does appear to me necessary to determine this point of departure, upon which I desire to be informed in a precise and definite manner.

Nevertheless it is my duty to remark to you that the fixing of the term of payment pertains exclusively to the powers of our Corps Legislatif, and that it does not pertain to me to trespass upon its rights.

I believe besides that the denomination of the money of the indemnities to be adjudged ought not to be made the object of discussion between us.

You demand American money or "its equivalent."

So that one determining the indemnities in American money, or its equivalent, attains exactly the same results.

In that which concerns the nationality, since you do not desire to leave the determination thereof to the mixed commission, I have admitted that the two Govern-

ments interested should occupy themselves thereof before the presentation of all the reclamations.

In this regard I remind you of my dispatch of the 18th of September, in which a modification to my counter project is found presented.

This modification I have thought would be accepted without discussion, for it constitutes, without doubt, a privilege; since the other commissions have had to pronounce themselves upon the nationality of the claimants.

Moreover, persuaded that in invoking the facts drawn from the doings of mixed commissions which have sat since fifteen years at Washington, I would have arrived with you in a definite understanding, I have had the honor to present to you a note in which I have shown that all these commissions have had the exclusive right of interpreting the text of the treaty or of the protocol which constituted them and to decide if they had jurisdiction of the claimant, with regard to his nationality or upon the subject of the reclamation.

Thus the two first questions proposed have always been these:

1. The commissioners, have they jurisdiction of the claimant?
2. Have they jurisdiction of the subject of the reclamation?

Permit me to repeat to you, Mr. Minister, that from the commencement of the doings of the Franco-American Commission, the United States have submitted these questions, have even demanded of the claimant to prove that he had not lost his quality of Frenchman, in repelling every diplomatic action whatever upon the subject. Two hundred French claimants were defeated by the commission either because they had not made choice in view of the treaty of Frankfort, made between France and Germany, or because they had formed in the United States establishments without the purpose of return, or voted in the general elections.

It stands proved that the question of personal status of the claimant has always been the first discussed in these cases, and one can without hesitation give to it the form following:

The claimant, is he a citizen or subject of the country of which he claims nationality and protection?

It is this which is incumbent upon him to prove legally before the commission which ought to take cognizance of his reclamation.

It is then the desire only of my Government to arrive at a settlement of American reclamations, which has caused it to take from the Americo-Haytien Commission a right established by the United States themselves.

The good will which you have always shown for our young Republic gives me the hope that our Government will not have to address itself to the Cabinet at Washington for the solution of those questions which it had been able to settle here without difficulty with the representatives of other foreign powers.

In closing, I desire to express to you the regret that I experience in not being able to separate, as you have asked of me, the different parts of this dispatch. They are bound together closely, and have been the object of two conferences which I desired to speak of in their entirety.

Accept, &c.,

B. ST. VICTOR.

[Inclosure 2 in No. 685.]

Mr. Langston to Mr. Victor.

LEGATION OF THE UNITED STATES,
Port au Prince, Hayti, November 8, 1884.

SIR: The undersigned has the honor to acknowledge the receipt of your dispatch, dated November 6, 1884, and to state that while he insists upon the justice and reasonableness of all the doctrines of the law and usages heretofore presented by him, especially as contained in the memorandum which he submitted to your Government on the 15th of July last, as constituting a just and equitable basis upon which to examine and settle the claims of American citizens suffering losses in connection with the insurrectionary events taking place in this city on the 22d and 23d days of September, 1883; and while he reserves all rights and interest of any kind and sort pertaining to such citizens as regards any claims or reclamations for property destroyed, or personal abuse or maltreatment, or the denial or failure to maintain any right or privilege pertaining to any one or all of them by the Haytien Government, and demands their immediate adjustment, he will, in the course of communication, bring your dispatch to the attention of his Government.

The undersigned has, &c.,

JOHN MERCER LANGSTON.

No. 235.

Mr. Davis to Mr. Langston.

No. 307.] DEPARTMENT OF STATE,
Washington, November 17, 1884.

SIR: I have received your No. 680, of October 30 last, accompanied by a copy of a law recently passed by the Legislative Assembly of Hayti, appropriating $588,418 to pay claims against that Republic on account of the riots of September 22 and 23, 1883, at Port au Prince. You add that no provision has been made in this sum to compensate American citizens for their losses on that occasion, and say that the proposed method of liquidating those claims covered by that appropriation has been the subject of a formal protest by the representative of Great Britain. The result of this you are awaiting with interest, and meanwhile you declare your intention to insist upon the payment of all American claims in the manner heretofore demanded by this Government.

Your action meets with the Department's approval.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 236.

Mr. Davis to Mr. Langston.

No. 308.] DEPARTMENT OF STATE,
Washington, November 19, 1884.

SIR: I herewith transmit a copy of a letter from Mr. William A. Van Bokkelen, of the 15th instant, stating that according to his latest advices from Hayti, his son, Mr. C. A. Van Bokkelen, was still confined in prison where he was placed September 19 last, for having made an assignment of his property, and asking that you bring the matter urgently to the attention of the President of Hayti, and demand the immediate release of Mr. C. A. Van Bokkelen. It will be observed that the writer states that the time has expired when, under the law, those having the right to raise objection to the assignment should have done so, and that no objection whatever was made.

The Department has no reason to expect that you will omit any proper step to aid Mr. Van Bokkelen, whose imprisonment, under all the circumstances of his case, appears unduly harsh. It is desired, therefore, that you will continue every proper effort in his behalf looking to his release.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure in No. 308.]

Mr. Van Bokkelen to Mr. Frelinghuysen.

155 BROADWAY, NEW YORK, *November* 15, 1884.

MR. SECRETARY: I last addressed you on the subject of my son's arbitrary arrest and confinement at Port au Prince, on the 19th September. Since then I have advices from Port au Prince of date November 1. It appears that on October 21, the

time (for parties interested in the assignment made by my son, and who had the right under the law to make objections to such assignment) expired and no objections were made by any one, not even by the parties upon whose application the illegal arrest and confinement was made, they refusing to claim that a right of arrest existed against an American citizen, which by the laws of the country secure Haytiens from an arrest in similar cases.

On September 27, our minister had occupied himself with the minister of foreign affairs and of justice in the case, but finds great opposition made by them as they have already taken the stand that an American citizen is not entitled to the same privilege as an Haytien.

I also learn that as the last resort our minister has addressed himself to the President of Hayti, who if he follows in the footsteps of his predecessors will sustain the action of his ministers, and like Dominique in the canal matter only yield at the presence of a man-of-war, or the knowledge of the fact that one is to leave to enforce the rights of our citizens.

In the mean time he is confined in a hospital amongst incurable, liable at any time to be returned to the vile prison, from which through the kindness of Mr. Langston he was removed.

The case resolves itself into these simple facts. By the laws of Hayti, Haytians are allowed to make an assignment of all their property to pay debts when they find themselves from honest losses unable to liquidate in full all claims against them. The law says distinctly and clearly that the benefit allowed of non-arrest and confinement is a privilege accorded to persons of good faith allowing them their liberty, but not releasing them from their indebtedness.

Now, having been illegally arrested and confined, my son is by the highest tribunal refused his restoration to liberty solely on the ground that being an American citizen the law does not give him the rights accorded an Haytien.

Having every reason to believe from your letters and conversation with Mr. Langston, that no doubt exists that by virtue of articles 6 and 9 of our treaty an American is entitled to the same rights of an Haytien, I most earnestly ask that our minister be instructed to at once bring the matter to the attention of the President of Hayti and not only demand but see that my son is at once given his liberty, and due and prompt reparation made for non-fulfillment of treaty obligations in thus insulting through its citizen the American Government, and that my son be indemnified for loss of business, health, and otherwise.

I have not called in the aid of other parties, wholly relying on the Department; I can refer you to Mr. Nathaniel Niles, of Madison, N. J., and others if necessary.

I am, &c.,

W. K. VAN BOKKELEN.

ITALY.

No. 237.

Mr. Davis to Mr. Richmond.

No. 87.] DEPARTMENT OF STATE,
Washington, July 31, 1884.

SIR: I have to inclose herewith for your information copies of communications addressed to the President from the Hon. J. B. Beck, United States Senator from Kentucky, his excellency Governor Knott, of Kentucky, and the Hon. S. B. Berry, also of Kentucky, requesting that steps be taken to obtain permission from the Italian Government for the Reverend Father Valentine Theodore Lanciotti, a native of Ciciliano, Italy, to visit his aged father, who still resides at that place.

It appears that the reverend father, after being called upon to perform military service in the Italian army, secretly left Italy in 1870 for the United States, and has since become a citizen of this country.

He very naturally anticipates trouble upon his contemplated visit to Italy, and has, through his friends in Kentucky where he is engaged as vice-president of St. Mary's College, requested the President to intervene

with the Italian Government and request that he be permitted to visit his native land unmolested.

It is represented that Biagio Lanciotti, the father of the applicant, is now eighty years of age, and is anxious to see his son in order to arrange his worldly affairs.

It is also represented that Biagio Lanciotti furnished the Italian army with a son who performed the services due from the reverend father.

In view of these representations you are instructed to request the desired permission of the foreign office of Italy.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

[Inclosure 1 in No. 87.]

Mr. Beck to Mr. Davis.

LEXINGTON, KY., *July* 28, 1884.

DEAR SIR: I inclose you communications addressed to the President from the Hon. Samuel B. Berry, of Lebanon, Ky., and from Governor Knott and myself, which I would be much obliged if you would lay before the President and give us such aid in obtaining favorable action from him as you consistently can.

I have taken the liberty to send the papers to you instead of sending directly to the President, first because I wanted your advice and assistance, not knowing what power the President has in regard to such matters, and thinking that he as well as myself might need your advice as to what could be done and how to do it. Secondly, I did not know whether the President was in Washington, and as the matter required action through the State Department I thought it would more certainly be attended through you than any one else.

Your kind attention to this will very much oblige,

Yours, &c.,

JAS. B. BECK.

[Inclosure 2 in No. 87.]

Mr. Beck to the President.

LEXINGTON, KY., *July* 28, 1884.

MR. PRESIDENT: Hon. John Davis, Assistant Secretary of State, will lay before you, at my request, communications from Governor Knott, of Kentucky, and Hon. Samuel B. Berry, relative to the aid desired to enable the vice-president of St. Mary's College, Marion County, Kentucky, to visit Italy.

The reasons why your intervention is needed are so fully set forth in the inclosed letters from Governor Knott and Mr. Berry, that I could add nothing to their force by repeating them.

I have invoked the aid of Mr. Davis, as I am not advised what power you have to grant the request, but I feel assured that Mr. Davis can explain the manner in which your assistance can be given; and I feel sure that you will aid us in any way you can.

Very respectfully,

JAS. B. BECK.

P. S.—Please cause the reply to this to be directed to Hon. Samuel B. Berry, Lebanon, Ky.

[Inclosure 3 in No. 87.]

Mr. Berry to Mr. Beck.

LEBANON, KY., *July* 14, 1884.

DEAR SIR: Inclosed you will find a letter from Governor Knott to yourself, also one from myself to Mr. Arthur, also one from Mr. Knott to the President.

They will explain themselves. It was intended to forward them to you whilst in Washington, but we were too late.

Upon the face of the papers will you be kind enough to write a letter requesting Mr. Arthur to grant the favor asked, and return all to me with the name of some friend of yours in Washington who would take them in person to the President, or would you suggest some way to reach the object sought after?

Anything you do for us in the matter will be greatly appreciated by all of us, and no less by Mr. Knott. If you think best you may inclose my letter, Mr. Knott's letter to the President, and your own letter to him, if you will be kind enough to write one. Father V. T. Lanciotti can furnish bond in any sum for his good behavior whilst abroad.

Hoping to hear from you, I am, &c.,

SAM. B. BERRY.

[Inclosure 4 in No. 87.]

Mr. Knott to Mr. Beck.

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
Frankfort, July 3, 1884.

MY DEAR BECK: You will find accompanying this a letter from my friend Hon. Sam. B. Berry, and also one from myself to the President, requesting his assistance in procuring for Father Lanciotti permission to visit his parents in Italy. I wish you would personally interest yourself in the matter for several reasons. In the first place Father Lanciotti is a personal friend of mine, and in the next he is vice-president of St. Mary's College, and any favor shown him will be appreciated not only by me, but by the host of friends and patrons of the college to whom he is well known and by whom he is much esteemed. You will know what steps to take in the matter better than I can tell you; therefore do whatever your wisdom may suggest.

Your friend, truly,

J. PROCTOR KNOTT.

[Inclosure 5 in No. 87.]

Mr. Berry to the President.

LEBANON, KY., *June* 30, 1884.

YOUR EXCELLENCY: As a kindness to my friend and former preceptor, I beg leave to submit the following to your Excellency for consideration:

Valentine Theodore Lanciotti, a native of Ciciliano, near Tivoli, Italy, left his country and came to Marion County, Kentucky, where he now resides. He left Italy in 1870, being then eighteen years of age, and his absenting himself was necessary to the accomplishment of his purpose in life. He had been designed by his parents for the priesthood in the Roman Catholic Church, and his studies up to that time were so directed.

Early in 1870 he was called upon by the Italian army to enter its ranks. As this would forever defeat his ambition to be a priest, he secretly left his country and came here, and is now (having taken all legal steps) a citizen of the United States. Once safe under our protection he pursued his studies and became a priest, and is now the efficient vice-president of St. Mary's College, Marion County, Kentucky, an institution of learning of great value in this section. That he might be better described to the Italian Government, I will say he is the son of Biagio Lanciotti, of Ciciliano, Italy. Mr. Lanciotti furnished the army of Italy with a son who took the place of Valentine.

This is his history in brief. Now comes his petition to your Excellency. His father is now old (being nearly eighty) and very anxious to see his priest boy again; besides he wants his son at home for a short time to arrange his few worldly goods before his death. Father Valentine has applied to the Secretary of State for information as to his safety in visiting Italy, and is informed, and correctly so, too, that the United States can give him no protection should he be molested in Italy. He therefore humbly asks your Excellency, *if it be proper for you to do so*, to request, through your Secretary of State, and through the Italian minister of the King of Italy, that he be allowed to visit his home for a few months this fall, hoping to be in Rome by the middle of September. If the Italian Government will send him letters of protection in this matter he will sail immediately; if not he must forever remain away. Your Excellency will observe from the prominent support Father Valentine is receiving before your Excellency that he is no criminal either of high or low degree, but simply the favorite son of an humble Italian farmer. He has been long and favorably known by Hon. J. Proctor Knott, our governor, who incloses a letter in this to your Excellency.

Messrs. Beck and Williams, to whom I am personally known, together with Messrs. Clay, Thompson, Robertson, of the lower house of Congress from Kentucky, will testify to my honesty in the matter; and all things considered I am strongly in hopes that your Excellency will grant this favor to the reverend gentleman, because it is the only solution to the difficulty. He would not trouble you in your many duties if the matter could be attended to or the object accomplished otherwise.

I know you will be willing to do all in your power, under the circumstances, consistent with your own personal dignity and that of the liberty-loving country over which you rule.

Hoping an early answer, &c.,

SAM. B. BERRY.

[Inclosure 6 in No. 87.]

Mr. Knott to the President.

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
Frankfort, July 3, 1884.

SIR: I have the honor to hand you the inclosed communication from Hon. Samuel B. Berry, of Lebanon, Ky., requesting your excellency to use your good offices in obtaining from the Italian Government leave for Rev. Father Valentine Theodore Lanciotti, vice-president of St. Mary's College, to visit his aged parents at Ciciliano, Italy, to which I beg leave to add my hearty indorsement.

I know Father Lanciotti intimately, and can commend him as a most excellent and exemplary gentleman, if, indeed, his position as second officer of one of the oldest and most distinguished institutions of learning in the valley of the Mississippi were not sufficient without it. I would be extremely gratified personally, as I am confident the very large circle of friends and patrons of the college as well as of Father Lanciotti would be, if the permission he asks could be obtained; and I trust I am not trespassing either upon your time or your generous disposition in asking this favor for an esteemed neighbor and friend.

With sentiments, &c.,

J. PROCTOR KNOTT.

No. 238.

Mr. Astor to Mr. Frelinghuysen.

No. 95.] LEGATION OF THE UNITED STATES,
Rome, September 16, 1884. (Received October 6.)

SIR: I have the honor to inclose herewith a copy and translation of a note received from the ministry of foreign affairs relating to the demand that the Rev. Father Valentine Teodoro Lanciotti may visit Italy unmolested.

I regret to say that the Italian Government refuses to grant such a permission, and if the reverend father should return to Italy he will be treated as one who has willfully failed to perform military duty and enrolled into the Italian army.

I have, &c.,

WILLIAM WALDORF ASTOR.

[Inclosure in No. 95.—Translation.]

Ministry for Foreign Affairs to Mr. Astor.

ROME, *September* 10, 1884.

MR. MINISTER: I received the note of the 16th August last that this legation of the United States has done me the honor of addressing to me in order to obtain that the Rev. Valentine Teodoro Lanciotti, born at Ciciliano (Rome) and now a naturalized citizen of the United States, might come to Italy to attend to his affairs without any molestation, although he has failed to render military service.

I have immediately communicated the subject of the note to my colleague, the minister of war, who has replied to me that it is not possible to grant any authorization to this effect, because the fact of having become a citizen of the United States does not exempt Mr. Lanciotti from the obligations that he has towards the military laws of Italy, and for not having complied with them, returning to his native country he cannot be treated otherwise than as one who has willfully failed to perform military duty. (Art. 12, *C. Civile.*)

Nevertheless, Mr. Lanciotti may return to Italy without being molested, in case only that he means to make his position regular in regard to the conscription. To this end it would be necessary for him to procure from the consul of the place where he resides, and if there is none there from the nearer consulate, a special paper for Italy. On his arrival in Italy he should present himself to the military authority, and after the visit he will be by the same authority referred for trial to the judiciary authority that has the power to judge him. Before this authority he will be able to bring forth all those reasons that he shall deem useful to obtain a diminution of the penalty, or acquittal. After the judgment, if absolved, or after having undergone the punishment if condemned, Mr. Lanciotti must present himself to the recruiting board, and if found able for military service, he will be enrolled according to article 160 of the laws of enrollment.

I regret, Mr. Minister, not to be able to give a more favorable reply to the note of this legation, but the military laws are very severe and admit no exception whatever.

I avail, &c.,
For the minister:

MALVANO.

MEXICO.

No. 239.

Mr. Morgan to Mr. Frelinghuysen.

No. 690.] LEGATION OF THE UNITED STATES,
Mexico, September 21, 1883. (Received October 13.)

SIR: Referring you to your dispatch No. 361, January 31, 1883, to my dispatch No. 583, March 6, 1883, and the inclosure therein, all relating to the schooner Daylight, sunk in the harbor of Tampico by the Mexican gunboat Independencia, and the claim for damages resulting therefrom, I have to inform you that on the 11th of April last, in obedience to instructions contained in your No. 382, March 24 last, I addressed a note to Señor Mariscal, in which I asked further information on the subject discussed by him in his reply to my note of the 15th February last, a copy of which is inclosed in my No. 583.

On the 14th August last, not having received an answer thereto, I addressed a note to Señor Fernandez asking for one. This answer I have this day received, dated the 18th instant. A copy and translation thereof I inclose.

Señor Fernandez recalls to me that the principle has been invariably maintained by the Mexican department for foreign affairs that diplomatic intervention on behalf of foreigners is not admitted except in cases where there has been a denial of justice. He says that the case of the Daylight is, primarily, one of the competence of the department of war and marine, before which the parties in interest should present their claim, taking occasion to inform me that before that department the claim cannot be presented through this legation, as foreign ministers can only address the Government to which they are accredited through the department of foreign affairs. If that department, he says, does not admit the responsibility of the Government in the premises,

they have their recourse in the courts. He finds authority for this in article 8 of the federal constitution, which provides: "Es inviolable el derectio de peticion ejercido por escrito, de una manera pacifica y respetuosa." (The right of petition by writing, couched in peaceable and respectful terms, shall be inviolable.) And as the succeeding phrase in the article above quoted from qualifies the above right, as follows, "pero en materias politicas solo pueden ejerculo los ciudadanos de la Republica" (but in political affairs this right can only be exercised by citizens of the Republic), he assumes that foreigners may bring the Mexican Government into court; in other words, that the right of petition for a redress of grievances includes the right to sue a nation in its own courts.

The question which I propounded to him, as suggested in your dispatch No. 382, viz, whether an individual has the power, in Mexico, to proceed at law against a national vessel of war for damages inflicted upon him, he does not consider it necessary to discuss, as he finds an answer thereto in article 97 of the constitution, which confers jurisdiction on the Federal courts, "De las que versen sobre directio maritimo" (small cases arising under maritime law).

Therefore, according to Señor Fernandez, because cases arising under maritime law come under the jurisdiction of the Mexican federal courts, a national vessel may be brought into court to respond for damages inflicted by her.

From his note it results, first, that a claim for the reparation of damages caused to a citizen of the United States by the running down of his vessel by a Mexican man-of-war, in a Mexican port, must be first presented for adjustment to the department of war and marine; second, in case the decision of that department is adverse to him, he must appeal to the courts of the country for redress; and, third, that diplomatic intervention in his behalf is not to be admitted except in the case of a denial of justice.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 690.]

Mr. Morgan to Mr. Mariscal.

LEGATION OF THE UNITED STATES,
Mexico, April 11, 1883.

SIR: I duly communicated to the Department of State at Washington my note to your excellency of the 15th February last and your excellency's note to me of the 3d March, relating to the claim for compensation presented against your excellency's Government by the owners of the American schooner Daylight, for the sinking of that vessel in the port of Tampico by the Mexican gunboat Independencia.

Your excellency declined, as you will remember, to consider the claim on two grounds—

(1) Because if the captain of the schooner thinks that the responsibility of the collision rests upon the Mexican Government, he should apply directly to the department of war and marine for redress.

(2) If that department denies its responsibility, you (I) know that in cases of maritime disaster, giving rise to controversies between parties, it is for the tribunals of the country having jurisdiction over the waters where the disaster occurred to declare whether the disaster occurred through neglect or not, and upon whom the responsibility falls, and therefore the claim cannot, at the present stage thereof, be considered diplomatically.

My Government is at a loss to understand the first point assumed by your excellency, as, by the custom of nations, a complaint of an alien, when not cognizable by the courts of law, can only be presented in the mode recognized by diplomatic usage,

through the proper officers of his own Government, and he is not permitted to appeal directly to any of the political departments of the Government against whom the complaint is made.

The propriety and the reasons for this course are so apparent and are so well known to your excellency that my Government presumes that there is some peculiar feature in the administrative powers of the Mexican department of war and marine of which my Government is ignorant which caused your excellency's suggestion, which, on its face, does not seem to be in harmony with diplomatic usage and precedents.

If your excellency's second point is intended to intimate that an alien may proceed in the courts of Mexico against a national vessel in the usual form prescribed for suits against private vessels owned by individuals, not used for the national protection but in the peaceful operations of commerce, my Government may be disposed to concede that the owner of the Daylight must in this, as in other cases of collision, first exhaust his judicial remedy, after which the case might, or might not, become a proper one for diplomatic representations. My Government, however, considers that your excellency's statement is not so explicit as to leave the subject entirely without doubt, and as such a power in an individual to proceed at law against a national vessel of war does not exist in the United States, nor, so far as is known, elsewhere, unless in Mexico, my Government would be glad to receive further information on the subject, and this information I have been instructed to ask from your excellency.

I renew, &c.,

P. H. MORGAN.

[Inclosure 2 in No. 690.]

Mr. Morgan to Mr. Fernandez.

LEGATION OF THE UNITED STATES,
Mexico, August 14, 1883.

SIR: I beg to call your honor's attention to a note which, on the 11th of April last, under instructions from my Government, I addressed to his excellency Señor Mariscal, relating to the case of the American schooner Daylight, and to express the hope that I may be favored with an answer thereto.

I renew, &c.,

P. H. MORGAN.

[Inclosure 3 in No. 690.—Translation.]

Mr. Fernandez to Mr. Morgan.

DEPARTMENT FOR FOREIGN RELATIONS,
Mexico, September 18, 1883.

MR. MINISTER: Your excellency's note of the 11th April, in reply to one addressed to you by Señor Mariscal on the 3d of March, with reference to the reclamation made by the owners of the American schooner Daylight, who allege that said vessel was run down in the port of Tampico by the Mexican gunboat Independencia, was duly received by this department.

Your excellency's note of the 14th of August upon the same subject has been also received. Your excellency is pleased to observe, in the first place, that a foreigner has no recourse to any of the political departments of the Government for the presenting of a claim which is not of the competence of the tribunals of justice, except through the medium of the Government of which the foreigner is a citizen, and that there does not exist in the United States, or in any other country that you are aware of, the right in an individual to proceed judicially against a national vessel; for which reason your excellency's Government desires further information upon these points.

Complying with your request I proceed to make such additions as are by this department considered pertinent in confirmation of the decision which it has heretofore announced to your excellency in the case.

In respect of the first observation, your excellency will permit me to recall to you the principle which has been invariably maintained by this department, that diplomatic intervention on behalf of foreigners, except where there has been a denial of justice, is not admitted.

In conformity with this principle, and considering that the department of war and marine is the department which has jurisdiction over cases such as the one under

consideration, I have to say to your excellency that the parties in interest may make their claim directly to that department, and that if that department does not admit the responsibility of the Government, then it will devolve upon the tribunals to decide the controversy.

In any event I may say this, that the owners of the Daylight cannot present their claim through your excellency, the department under my charge not ignoring that foreign ministers should only address the Government to which they are accredited through the department of foreign relations.

Article 8 of the constitution of this Republic gives to citizens of the country, as well as foreigners, the right of petition done by writing and in respectful terms, and therefore the second (foreigners) have free access to the different departments of the public authority to seek for justice when they consider themselves aggrieved by its agents or subalterns.

I do not consider it necessary to examine your excellency's assertion that according to the customs of nations an individual cannot take judicial proceedings against a national vessel; it is sufficient for my purpose to say that, according to article 97 of the political constitution of the Republic, tribunals of the federation have jurisdiction, among other matters, of controversies arising under maritime law, and of those to which the federation is a party, and that, in consequence thereof, not only because of the marine disaster which occurred to the Daylight, but because of the responsibility of the Government, more or less affected in this case by reason of the intervention therein of a war vessel, a double reason exists why the parties complaining should submit their case to the said tribunals, if, having first applied for redress to the department of war, they have not had a decision in their favor.

I renew, &c.,

JOSÉ FERNANDEZ.

No. 240.

Mr. Frelinghuysen to Mr. Morgan.

No. 470.] DEPARTMENT OF STATE,
Washington, November 15, 1883.

SIR: Your dispatch No. 690, of the 21st September, in relation to the claim of Capt. Fred. L. Blair, of the American schooner Daylight, has been received.

The note of the 18th of September addressed to you by Mr. Fernandez, a copy of which accompanies your dispatch, has been carefully considered; I regret to find that the inquiry made in my instruction of the 24th of March last (No. 382), and which it is perceived you submitted to Mr. Fernandez, has not, as I conceive, been explicitly answered by the minister. The gunboat Independencia is a war vessel of the Mexican Government; if liability to the party injured attaches as a result of the Independencia's action in running down the American schooner, such liability is imputable, not to the commander of the gunboat, but to the Mexican Government; if Mr. Fernandez is to be understood as saying that an American citizen may, in such a case, maintain legal proceedings for the recovery of the damages thus claimed directly against the Government of Mexico in the courts of that Republic, I have only to observe that I have not heretofore understood that under the laws of Mexico the Government of that country might be sued in its own courts either by a citizen of the Republic or a foreigner, without special permission having first been given for that purpose, and before I could consent to submit the claimant in the present case to the expense and delay of such a proceeding it is desirable that I should be exactly informed on that point.

In Mr. Mariscal's note to you of the 3d of March last, that minister, amongst other observations in regard to the claim, says: "If Captain Blair considered that the Mexican Government is responsible for the disaster which his vessel suffered, he should apply directly to the de-

partment of war and marine, under whose jurisdiction the Independencia is. If that department admits the responsibility of the Government in the matter, all difficulties will at once disappear," and the same sentiment is reiterated by Mr. Fernandez in his note to you of the 15th ultimo. With reference to these suggestions I have only to remark that the claim in question is presented by this Government in behalf of its injured citizen through the ordinary and only recognized channels of communication between it and that of Mexico, and if by the laws or administrative regulations of that Republic it is made essential that the facts should be first investigated by the ministry of war and marine, it is conceived that the subject should be referred to that department by the minister of foreign affairs. Such would be the course pursued by this Government were a similar demand to be made on it by that of Mexico. You will at as early a day as may be convenient bring these suggestions to the attention of the Mexican minister of foreign affairs, and you will say at the same time that, upon a careful examination of the facts, this department reached the conclusion that the Mexican Government was properly responsible for the damages resulting from the disaster in question, and that the hope is entertained that the minister will see the propriety and equity of an early adjustment of the claim.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 241.

Mr. Frelinghuysen to Mr. Morgan.

No. 477.] DEPARTMENT OF STATE,
Washington, December 12, 1883.

SIR: I transmit herewith a copy of a letter of the 7th instant from the Hon. John F. Miller, a Senator of the United States from California, relative to the case of George Caleb, also a letter from Captain Caleb to Senator Miller concerning his present condition.

Inviting your careful attention to this correspondence, and requesting that you will render Captain Caleb every possible assistance,

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 477.]

Mr. Miller to Mr. Frelinghuysen.

UNITED STATES SENATE,
Washington, December 7, 1883.

SIR: Referring to inclosure herewith, I beg to say that so long a time has elapsed since the Department instructed our minister to Mexico to investigate Caleb's case that I fear that it has been neglected. I therefore call the attention of the Department to the fact that the man is still in prison, with the view to ask further action in the premises.

Very respectfully,

JNO. F. MILLER.

[Inclosure.]

Mr. Caleb to Mr. Miller.

LA PAZ, MEXICO, *November* 19, 1883.

MY DEAR SIR: I write to you once more to let you know I am still confined at this place, and I have not heard one word, either from the city of Mexico or the United States, since July last. I have about given up all hopes of my Government doing anything for my release. I am sick, and cannot regain my health here. I have passed the yellow fever; had it lightly.

My vessel was sold on the 25th of October, and they have all I have in the world now, and ought to be satisfied. I have been in prison and the doctors have taken me out again. I have been a great sufferer in body and mind. This is the first time I ever had any trouble with a vessel. I have been master twenty-five years, served the Government in the Mexican war and the late rebellion till the close.

Mr. Beach, the gentleman that came from Washington, was satisfied that I had no fair trial in the courts at this place. My lawyer claims that fact. All the Mexicans who were in this affair have their liberty and are permitted to go away. I must some way try and get to some other place, or die soon. I don't know what news the United States consul gets; he keeps all things secret from me, and I am left in darkness; no one to tell me anything. I hope that I am not forgotten and will hear some thing soon. I am thankful to you and remain,

Most respectfully,

GEO. CALEB.

P. S.—I must confess that the governor at this place has treated me kindly. He is a fine gentleman, with a noble principle and honor, and I will long remember his kindness to me.

I am quite discouraged.

No. 242.

Mr. Morgan to Mr. Frelinghuysen.

No. 738.] LEGATION OF THE UNITED STATES,
Mexico, January 2, 1884. (Received January 22.)

SIR: In obedience to the instructions contained in your No. 470, 15th November, 1883, I addressed a note to Señor Fernandez on the 8th of December last, in which I again called his attention to the claim of the owners of the schooner Daylight, by reason of the sinking of that vessel by the Independencia, a Mexican national vessel.

Señor Fernandez has not replied to my note, and I deem it proper to let you see that your instructions have been carried out.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 738.]

Mr. Morgan to Mr. Fernandez.

UNITED STATES LEGATION,
Mexico, December 8, 1883.

SIR: I have to direct your honor's attention to the case of the schooner Daylight, which was sunk in the harbor of Tampico by the Mexican gunboat Independencia, and with the details of which your honor is familiar.

The Department of State at Washington, to which your honor's note to me of the 18th September was transmitted, does not find that the inquiry which I made of his excellency Señor Mariscal, in my note of the 11th April last, has been explicitly answered by your honor, and I beg that you will inform me whether the owners of the Daylight are entitled to bring an action for damages resulting from the sinking of that vessel by the Mexican gunboat Independencia against the Mexican Government,

directly before the Mexican federal tribunal, without a special permission having been given for that purpose?

I am aware that in your honor's note of the 18th September you say that under article 8 of the federal constitution the right of petition is declared to be inviolable, and that under article 97 of the same charter cases arising under maritime law are under the jurisdiction of the federal tribunals. But I do not understand that the right of petition covers the right to demand compensation for damages, or that because ordinary cases arising under maritime law are placed under the jurisdiction of the federal courts of the country, therefore the Mexican Government may be sued therein by any person who has a claim against that Government. I believe the general rule of law to be that a sovereign cannot be sued in his own court without express permission, and I see nothing in either of the articles of the Mexican constitution to which your honor has referred me which takes the sovereignty rights of Mexico out of the general rule to which I have referred.

I am also aware that, in his excellency, Señor Mariscal's note to me of the 3d of March last, in reference to the claim, he said, "If Captain Blair considered that the Mexican Government is responsible for the disaster which his vessel suffered, he should apply to the department of war and marine to whose jurisdiction the Independencia belongs. If that department admits the responsibility of the Government in the matter all difficulties will at once disappear," and that the same sentiment is reiterated in your honor's note to me of the 18th of September last. Upon this point my Government is of the opinion that it has presented the claim in question in behalf of its injured citizen through the ordinary and only recognized channel of communication between it and that of Mexico, and that if, by the laws or administrative regulations of that Republic, it is made essential that the facts should be first investigated by the ministry of war and marine, it conceives that the subject should be referred to that department by the minister of foreign affairs, which would be the course pursued by my Government were a similar demand to be made on it by that of Mexico.

The foregoing suggestions I have been instructed to make to your honor, and I have also been instructed to say that upon a careful examination of the facts the Department of State at Washington has reached the conclusion that the Mexican Government is properly responsible for the damages resulting from the disaster in question and to express the hope that your honor will see the propriety and equity of an early adjustment of the claim.

I renew, &c.,

P. H. MORGAN.

No. 243.

Mr. Frelinghuysen to Mr. Morgan.

No. 492.] DEPARTMENT OF STATE,
Washington, January 17, 1884.

SIR: I transmit herewith a copy of a dispatch from the consul at La Paz, of the 19th ultimo, concerning the case of Captain Caleb, late master of the American schooner Adriana. It will be perceived that the Mexican circuit court at Culiacan has confirmed the sentence pronounced upon Captain Caleb by the district court at La Paz, and that he has now to suffer five years' imprisonment, commencing from the date of his arrest. It is also shown that the Adriana has been sold, and reported that Captain Caleb has, through his attorney, petitioned the President of Mexico for a pardon.

Your familiarity with the facts of Captain Caleb's arrest, trial, and conviction, from the papers which have from time to time been sent to you, renders unnecessary any extended remarks upon these points. They afford, however, in the judgment of the Department, good and sufficient grounds upon which to present his case anew, with all its attendant circumstances and hardships, to the Mexican Government, in support of the prisoner's application for a pardon. It is thought also that as a measure of justice to Captain Caleb, who has assuredly suffered much, the President of Mexico might be induced, upon proper

representations, to remit the balance of the sentence which that unfortunate man is compelled to undergo.

While not disposed to interfere with the due course of law in Mexico, yet I am induced to believe, from a thorough knowledge of all the facts of Captain Caleb's case, that the ends of justice will have been sufficiently met by the punishment he has already borne, and that by the exercise of his prerogative in that case the President of Mexico will afford a strong proof of his friendship for this Government and at the same time be guilty of no measure of injustice to his own Government.

You will, therefore, suitably present Captain Caleb's case to the Mexican Government and invoke executive clemency on his behalf.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 492.]

Mr. Viosca to Mr. Davis.

No. 58.] UNITED STATES CONSULATE AT LA PAZ, MEXICO, *December* 19, 1883.

SIR: In acknowledging the receipt of dispatch No. 34, dated November 27 of this year, wherein I am directed that the Department of State desires a report of the present condition of the case of Captain Caleb, late master of American schooner Adriana, arrested and tried for smuggling, and of any further proceedings therein held since Mr. Beach's investigation of the affair, I have the honor to inform the Department that nothing of consequence has transpired in the referred matter from the time of Mr. Beach leaving this place, except what already has been reported in my dispatch No. 44 of August 16 last, relative to the Mexican circuit court at Culiacan, Sinaloa, having confirmed the sentence of the district court of this city; therefore Captain Caleb is now confined to suffer the penalty of five years' imprisonment, commencing from the first day of his arrest.

The schooner Adriana was sold at public auction on the 23d and 26th of October, 1883, as per accompanying notice, published in the weekly Voz de California of the 17th, also of its corresponding translation.

On the 21st of the above said month Captain Caleb, convicted, was officially transferred from the jurisdiction of the federal court to that of the governor, who is to put in execution the penalty decreed of five years' imprisonment; consequently, the governor issued orders at once for the removal of Captain Caleb from his private residence into the public jail, where he remained until the 30th of said October, when, at my instance, the governor released him under parole of his keeping within the boundary of the private residence he now occupies. I have also been informed that subsequently, and through his attorney, Captain Caleb has petitioned to the President of the Republic of Mexico requesting pardon.

I am, &c.,

JAS. VIOSCA, *Consul.*

[Translation.]

MARITIME CUSTOM-HOUSE OF LA PAZ.

NOTICE.

The goods and vessels confiscated by judicial sentence will be sold at public auction on the 25th day of present month.

A full-rigged schooner of 96 tons burden, called the Adriana.

One boat, sloop-rigged, of 6 tons burden.

One diving apparatus.

Four quintals pearl shells.

Four packages, containing ready-made clothing of broadcloth, cashmere, woolen, linen, silk, cotton, artificial flowers, hats, cravats, &c.

Which is hereby made publicly known for the persons that may interest themselves in the purchase of the said goods and effects, to be present at the custom-house at the above named day, with the corresponding bonds.

F. G. GRINDA.

LA PAZ, *October* 1, 1883.

No. 244.

Mr. Morgan to Mr. Frelinghuysen.

No. 753.] LEGATION OF THE UNITED STATES,
Mexico, February 18, 1884. (Received March 6.)

SIR: Your dispatches Nos. 477, 12th December, 1883; 492, 17th January, 1884; 494, 19th January, 1884, with their inclosures, have been received. They all refer to the case of Capt. George Caleb, late master of the Adriana.

I regret to see that the Hon. John F. Miller, a Senator from California, appears to be of the opinion that the case of Captain Caleb has been neglected by me. I think I have done everything in my power to protect him in his rights.

You will remember that the investigation of his case was intrusted to a special agent of the Department of State, and that in transmitting to me a copy of that agent's report to you, you informed me that Captain Caleb was represented in the appeal by counsel who appeared zealous in his behalf, and that the future legal proceedings which might be taken in his behalf would be reported directly to you. (See your dispatch No. 441, 16th August, 1883.)

When that dispatch was received Captain Caleb's case was pending on appeal in the court at Culiacan. I was subsequently informed by Consul Viosca that the appellate court had affirmed the sentence of the court below, and this I communicated to you in my dispatch No. 683, 3d September, 1883.

Whether any appeal was taken by Captain Caleb from the judgment of the court at Culiacan or not I have not been informed.

When I knew that the case was before the Culiacan court I requested Consul Kelton, at Mazatlan, within whose consular district Culiacan is, to send me a copy of the record of the case should the judgment of the lower court be affirmed, in order that I might be able to ascertain whether the proceedings against him had been legally conducted. (See my dispatch No. 662, 9th July, 1883.) The copy of the record asked for has never been received by me. An inspection of the records of the judicial proceedings against him was the only "investigation" of his case possible to me. However, on the receipt of your dispatch, No. 447, I telegraphed Consul Kelton to inform me whether Captain Caleb was in prison still; and, if so, where.

Consul Kelton replied that Captain Caleb was still at La Paz; that the "expediente" (record) of his case had been sent to the supreme court here, and that Captain Caleb, through the minister of justice, had applied to the President for a pardon.

Before receiving the consul's reply I had, in an interview with Señor Fernandez, again called his attention to Captain Caleb's case, and urged upon him his release. I called his attention to the man's age, his helplessness, his ill health, the necessity he was to his family, and to the fact that the Adriana having been confiscated and sold, everything he had had been taken from him, and that this, added to the fact that he had already been in prison a year, appeared to be a sufficient punishment for the offense which he was charged with having committed. Señor Fernandez then informed me (and I learned it for the first time) that Captain Caleb had petitioned for a pardon, and that in his petition he had confessed his guilt.

I then urged upon him that even if he were guilty (upon which I expressed no opinion) still he was not more guilty than were the Mexi-

cans engaged with him in the enterprise which resulted in his capture and the sentence against him, and that it appeared to me the height of injustice that he (an American) should be punished for an offense while his partners (Mexicans) who had been arrested with him had not even been prosecuted therefor. Señor Fernandez said that he would converse with the President upon the subject and see what could be done. In this interview I asked him if he would procure and furnish me with a copy of Captain Caleb's petition to the minister of justice for a pardon. He promised me he would do so. The main difficulty which Señor Fernandez appeared to find in the way of Caleb's discharge was the apprehension that as soon as he was set at liberty he would present a claim through this legation for damages.

On the 1st of January, 1884, I saw Señor Fernandez again. He informed me that he had brought Captain Caleb's case to the notice of the President, who was favorably disposed to granting him relief, but that he could not pardon him, because, by the law of Mexico, no pardon can be granted until two-fifths of the sentence pronounced against the applicant has been executed. I again urged upon Señor Fernandez such further reasons as occurred to me for his release, and again asked him for a copy of Caleb's petition for pardon, which he again promised to send me as soon as he had received it.

In the mean time I called on Señor Romero Rubio and asked him what steps could be taken for Caleb's protection in court in case he had appealed, or before the minister of justice in case he had asked for a pardon.

Subsequently he informed me that he had had an interview with the minister of justice, who was favorably disposed, but that his application for pardon could not be acted upon unless the judgment was final, and he did not know whether it was final or not. Even if it were, however, it would not be in the power of the President to grant it for the reasons which Señor Fernandez gave me, and which I have set forth above. But he said that the President had it in his power to commute the sentence, and that if such an application were made it would be favorably considered, and, in his opinion, that was the best course to pursue. This application, he said, could be made by any person. In this interview I asked Señor Rubio if the minister of justice had shown him Captain Caleb's petition for pardon, and if it really contained an acknowledgment of his guilt. He replied that he had been shown the petition, and that it did contain the acknowledgment.

It was after this interview with Señor Rubio that I received Consul Kelton's telegram of the 29th December, 1883, referred to above, informing me that Captain Caleb was still at La Paz; that the "expediente" (record) of his case had been sent to the supreme court here; and that he had applied to the President, through the minister of justice, for a pardon, so that I was assured of his having petitioned for clemency by Señor Fernandez, Señor Rubio, and Consul Kelton, while his acknowledgment of guilt was stated to have been made by the two parties first named.

I then employed Mr. Arthur P. Cushing, a member of the Boston bar and a practitioner here, to examine the files of the supreme court with the view of ascertaining whether the record in Captain Caleb's case was on them, as I wished to be informed whether it was there on appeal by Caleb, or whether it had been sent there in the usual course of the judicial proceedings as practiced in the country.

Mr. Cushing informed me that after diligent search he could not find that the record had ever been sent to the supreme court.

I then asked Mr. Cushing whether, under his own responsibility, he would present a petition to the minister of justice asking on behalf of Caleb a commutation of his sentence. This, it appeared to me, would be the shortest and most practical way of getting him out of his trouble, for if his sentence could be commuted to a fine, to be paid in the obligations of the Government (as I am assured it could be managed), it will amount to only a small sum in reality. Mr. Cushing agreed to do so, and he did so. Then he called on me and said that the minister of justice desired that I should authorize him to appear for Caleb. This I declined to do, for the reason that, although it had been positively stated to me, both by Señor Fernandez and Señor Rubio, that they had seen his admission of guilt, I could not bring myself to believe that after all his protestations of innocence to this legation he could acknowledge that the offense for which he was suffering had been properly charged against him, and I did not propose to do anything which would have the appearance of an acknowledgment of his guilt. It was then stated to Mr. Cushing that a telegram from Caleb to him authorizing him to make the appearance above referred to would suffice. Mr. Cushing caused Caleb to be telegraphed on the 21st ultimo to that effect. To this telegram no answer has been made, except that Caleb telegraphed me on the 8th instant that he had telegraphed the minister of justice ratifying his petition for a pardon made in October last, and asking me to second it.

In my dispatch No. 662, July 9 last, I informed you that I had requested Consul Kelton to procure and transmit to me, if possible, a copy of the record of the proceedings in the court of Culiacan, in case the judgment of the court at La Paz should be affirmed. Consul Kelton has not complied with my request. I inquired of him the reason why, in a dispatch which I addressed to him on the 5th of January, 1884. Consul Kelton, in his dispatch of the 4th of February, explains how it is that my request was not complied with. His residence is 200 miles distant from Culiacan, which prevented him from giving it his personal attention. He, however, wrote to the consular agent at Altata, as well as to a party at Culiacan, upon the subject. The consular agent at Altata had resigned, and the correspondent at Culiacan had left the place.

Neither have I been informed nor have I been able to ascertain whether Caleb appealed from the judgment of that court.

As in in your dispatch No. 441, August 16, 1883, I was told that Mr. Galan, Caleb's counsel, would correspond directly with the Department upon the result of that trial and any subsequent proceedings in the case, I assumed that he would comply with his instructions, and that I would receive instructions in respect thereto, but I have received none; nor have I heard from him in respect thereto. It was therefore impossible for me to take any further official steps in the matter.

Thinking that Señor Fernandez had forgotten to send me the copy of Captain Caleb's petition for a pardon, which he had promised, I addressed him a note on the 21st of January, reminding him of his promise.

On the 7th instant I received his note of the 4th, transmitting to me a copy of the petition for pardon, in the concluding part of which Caleb says:

> I supplicate you to pardon me the crime of smuggling, committed in December of the year last past, in having transferred effects from the schooner Adriana, in the bay of Pulmo, to Los Frailes, in Lower California.

Smuggling, according to the laws of Mexico, consists, among other things, in—

The discharge, transhipment, or transportation of merchandise in the ports or on the frontiers (of Mexico) without the previous knowledge of the respective customs officials, and without having fulfilled the requirements of this tariff law. (Section 3 of article 86 of the Tariff.)

The penalty for the infraction of this law, when the goods smuggled are liable to a duty of $200, is five years' imprisonment.

You will have observed that Captain Caleb in his petition for pardon admits that he transported effects from his vessel while in the bay of Pulmo to Los Frailes, in Lower California.

Section XV of article 85 of the constitution gives to the President the power to pardon offenders in conformity with the law. The law (Codijo Penale, art. 287) provides—

(1) That a pardon may be granted unconditionally when it is asked for by a person who has rendered important services to the nation, when the Government considers it necessary to the public peace, or when it appears that the prisoner is innocent Captain Caleb does not come under either of these categories, according to his own admissions.

(2) In all other cases it may be granted when the prisoner has completed two-fifths of his sentence. Under this law, then, the President would have no authority to pardon, as Captain Caleb has not been in confinement that length of his sentence.

I have not felt myself at liberty, under my instructions, to ask for anything else than his pardon, and this I did the day after I received a copy of his petition therefor. As the power to pardon necessarily includes the power to commute, I am in hopes that the President, if he finds it impossible to liberate him absolutely, will commute his sentence to the payment of a sum of money. Whatever the President may do in the matter I will inform you by telegraph. Should the sentence be commuted to the payment of a sum of money, in what manner can it be procured?

In the meanwhile I deem it only proper that you should be informed how far your instructions respecting Captain Caleb have been carried out.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 753.]

Mr. Cushing's petition in behalf of Captain Caleb.

CITIZEN PRESIDENT *of the Republic of Mexico:*

Arthur P. Cushing, an American citizen domiciled in this city, respectfully comes before you and says: That my fellow-citizen, the American citizen George Caleb, captain of the American schooner the Adriana, was taken prisoner in the Gulf of California, and taken, with the Adriana to the port of La Paz.

The alleged motive for his arrest was that he intended to smuggle. The case was submitted to a competent tribunal, which resulted in a judgment of first and second instance, which condemned the vessel and sentenced Caleb to five years' imprisonment.

As well as his representative as on my own account every confidence is placed in the tribunal; but as Captain Caleb is an old man, who has a family to support who are dependent upon his labor; and as, besides, he has already been a year in prison, and as he is very infirm, and if his imprisonment continues he will likely die, leaving a numerous family in poverty, it appears to me proper that I should, knowing the justice and rectitude of the supreme magistrate of this nation, bring to your knowledge that this being the first time Captain Caleb has been in Mexico he was ignorant of the customs and laws of the country; that he came here for account of other par-

ties, and that he could not suppose that those whose merchandise he had on his vessel intended to violate the laws of the country. Captain Caleb's situation is so anomalous that two judgments were pronounced against him, while the authors of the smuggling who escaped were not prosecuted, from which results the legal absurdity that the really guilty parties, Mexican citizens are at liberty, while the foreigner alone, who was only a passive and innocent instrument, has been punished with the loss of his entire fortune, and condemned to a long imprisonment.

For these reasons, and from the sentiments of humanity which it is well known are entertained by the chief of the Mexican nation, I appear in Captain Caleb's behalf to beg for a commutation of the sentence which has been passed upon him, and to ask you to grant to an old man, a foreigner, ill to such an extent that if his imprisonment is prolonged he will die far from his home and family.

In the name of this unhappy family, afflicted with grief and soon to become orphans, I ask whether you, Mr. President, will not furnish another proof that the good and philanthropic feelings of the heart know no nationality, but that they are the same for foreigners and Mexicans alike when they need them. In the name also of this aged man, who has grown gray in a constant strife with the waves to obtain a support for his numerous family, I appeal to you, and beg that you will grant the commutation which Captain Caleb has prayed for.

He will owe to you more than his pardon. He will be your debtor for his life, his tranquillity, and the support of his numerous family.

ARTHUR P. CUSHING.

MEXICO, *January* 10, 1884.

[Inclosure 2 in No. 753.—Translation.]

Mr. Fernandez to Mr. Morgan.

DEPARTMENT FOR FOREIGN RELATIONS,
Mexico, February 4, 1884.

MR. MINISTER: Referring to your excellency's note of the 21st of January last, and to my reply thereto of the 24th, I have the honor to transmit to your excellency herewith a copy of the petition for pardon presented by Capt. George Caleb, which document was sent by the department of justice to the department under my charge on the 29th of the same month.

I renew, &c.,

JOSÉ FERNANDEZ.

Petition of Captain Caleb for pardon.

[Translation.]

MR. SECRETARY OF JUSTICE:

George Caleb, a native of the State of Massachusetts, United States of America, and a citizen thereof, respectfully represents: That in December of the year last past he came to Lower California in command of the American schooner Adriana, of which he was a part owner, in the acquisition of which he had invested the savings of years and had pledged his credit, and that on his first voyage he was arrested, with his vessel, in Mexican waters, accused of smuggling, imprisoned, tried, convicted, and sentenced to lose his vessel and to five years' imprisonment, after having expended for the maintenance of the crew of his vessel the freight which he had earned.

It would be useless to recapitulate the facts which have brought me to the prison in which I am languishing and perishing, and besides, to do so I should have to criminate others, and thus, besides being a prisoner, I should become an informer.

But, sir, I am fifty-six years of age. I have a family to support. I have lost everything I possessed. besides my credit, and the ten months imprisonment which I have suffered has reduced me to such a miserable state of health, that the doctors (who generally give hope to their patients) will not say that I will recover.

The ends which the legislator had in view have been sufficiently answered by the severe punishment which I am suffering, without its being aggravated by the death to which I shall be exposed if I am kept in prison during the whole time to which I have been sentenced, and I have faith that the President will look with humane eyes upon my position, and will exercise the holy prerogative which the law gives him to pardon offenses committed against the federal laws.

I beg you to pardon me for the smuggling committed in December of the year last passed in transporting goods from the schooner Adriana, in the bay of Pulmo, to Los Frailes, in Lower California, and that I may receive the mercy and pardon which I implore.

GEORGE CALEB.

LA PAZ, *October* 25, 1883.

[Inclosure 3 in No. 753.]

Mr. Morgan to Mr. Fernandez.

LEGATION OF THE UNITED STATES,
Mexico, February 7, 1884.

SIR: I have been instructed by the Department of State at Washington to bring to the consideration of your honor's Government the case of Capt. George Caleb, of the American schooner Adriana.

Captain Caleb, as the correspondence between this legation and the department for foreign relations shows, was on a voyage with his vessel from San Francisco to La Paz, Lower California. Having reached the Gulf of California, he was, on or about the 1st of January, 1883, arrested by Mexican officials and, with his vessel and crew, taken to La Paz, where they, as well as the vessel itself, were prosecuted for smuggling. The goods which it was said it was the intention of Captain Caleb to smuggle were condemned, as was also his vessel. The crew were discharged and Captain Caleb was condemned by the court at La Paz to five years' imprisonment. The case was appealed to the court at Culiacan, where the judgment of the lower court was affirmed. He is now in confinement.

My Government has been informed that Captain Caleb has applied to his excellency the President of Mexico for a pardon, and it is with the view of obtalning executive clemency in his behalf that I have been instructed to bring his case again before you.

Captain Caleb is a man advanced in years and infirm. He was ill when he was taken prisoner, and is, I am informed, now in a suffering state of health. So infirm is he that from the day of his arrest, through the humanity of the authorities at La Paz, he was permitted to lodge in a private house, and after his sentence, and when he was sent to the common jail, such was his condition that the authorities removed him thereupon and again allowed him to remain in a private dwelling.

He has a family entirely dependent upon him for support. All the property he had was his interest in the schooner Adriana, and, that vessel having been confiscated, he is now destitute. His ruin is therefore complete, and if the balance of the sentence to which he has been sentenced be remitted, he and his family would be dependent upon his daily labor for his daily bread. Surely this would appear to be punishment enough for so trifling an offense as he was found guilty of.

But it is not probable that he will survive his imprisonment. He has been in confinement now for more than a year. Assuming him to be guilty of the offense which he is charged with having committed, my Government is induced to believe that the ends of justice will have been sufficiently met by the punishment he has already borne, and that by the exercise of his prerogative in the case his excellency the President of Mexico will afford a strong proof of his friendship to the Government of the United States and at the same time be guilty of no measure of injustice to the Government of Mexico.

There are circumstances connected with this case which would seem to insure the favorable consideration of his excellency the President to the application of Captain Caleb for pardon, which I have been instructed to join in. When the Adriana was first boarded by Mexican officials she was lying at anchor, and there was nothing to indicate that she had been engaged in an illicit trade.

It was after the Mexican officers had left her that they discovered a small vessel heading for the coast. They intercepted her and found on her a trifling amount of merchandise which her crew said had been transshipped from the Adriana. This vessel was seized and conveyed to where the Adriana was anchored, and both vessels, with their crews, were taken in custody to La Paz. Both vessels were prosecuted and both were condemned. But only Captain Caleb and the crew of the Adriana were prosecuted.

The crew of the Mexican vessel, whose guilt was certainly equal to that of Captain Caleb, have never been punished.

Considering all the circumstances of the case, I hope that his excellency the President will find it in his power to comply with the appeal of my Government in support of the petition which this aged, infirm, and unfortunate man has made for a remission of the punishment which he has been subjected to.

I renew, &c.,

P. H. MORGAN.

No. 245.

Mr. Frelinghuysen to Mr. Morgan.

No. 508.] DEPARTMENT OF STATE,
Washington, February 19, 1884.

SIR: I transmit herewith for your information and for such use as may be made of them copies of the below mentioned correspondence relative to the case of Capt. George Caleb, late of the American schooner Adriana, and which were referred hither the 11th and 12th instant, by the Hon John F. Miller, chairman of the Committee on Foreign Relations of the United States Senate.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 508.]

Mr. Maytorena to Hon. John F. Miller.

LA PAZ, *January* 25, 1884.

SIR: Having acted as interpreter during Captain Caleb's trial, I deem it a duty to that gentleman to make an impartial statement of the facts as they came under my cognizance. It was known in this place, and commented upon, that a schooner, name unknown, had been seen for fully a week or ten days previous to the Adriana's arrival standing off and on, going out to sea at daylight and toward land at night. This can be proved when the time comes, but no mention was made of this circumstance during the trial. An inquiry into the matter would have brought out the true facts and led to the conviction of the truly guilty parties. Before the Adriana was brought into port, Napoleon Savin lodged information in writing in the custom-house, stating that he had found some cases of goods on the shore of a place called Frailes Bay. This point was also overlooked in the investigation. As to the depositions given in, the witnesses thereto being, to a certain extent, subject to control or pressure, I place no reliance on them legally and morally speaking, as they [the witnesses] were not free agents in this matter, and were not cross-examined to my knowledge.

On the 27th December, 1882, the Adriana was at anchor in Frailes Bay, into which anchorage she had been driven by stress of weather, it being unsafe to keep to sea in the state she was in, sails torn, cargo shifted, leaking badly, and crew used up. Here it was that the revenue sloop found her at anchor. The officer boarded her and demanded the ship's papers, and, after having examined them, remarked that they were in due form and he would report them as such. At daylight of the same day a boat in which the smuggled goods were found was inshore, fully 2 miles away, as the mate and crew have repeatedly told me, the chart bearing them out, said boat remaining at anchor from 9 a. m. to 4 p. m., when she was seized. After the seizure the boat was brought alongside the Adriana.

During the examinations, at no time did the crew in the slightest manner vary their statements, and one and all from first to last said the same thing, and unanimously bear witness to Caleb's mental derangement for some time previous. This important fact was completely ignored during the trial. Had due consideration been taken, it would have materially changed the face of the affair. The animus was not concealed, as the men in whose possession were found the goods, *corpus delicti*, were allowed to escape, and the statement of an insane man was considered sufficient for conviction.

The law deems a man innocent until his guilt has been conclusively proved, and lays down certain fixed principles, which are so many finger-posts laying out our road. On the morning of the 28th the men were put ashore. Now arises the question if, as the officer says, he found a boat alongside, why were the receivers allowed to go? According to the definition of crime—"doing what the law forbids or failing to do what it commands"—it is unaccountable and exceedingly strange, the action taken in this matter, and more so if we call to mind the pains and penalties attached to receivers of goods which are dutiable. And, furthermore, as the interested party claimed that he was tempted to betray his trust, in this arises a question of veracity between the two. As they were taken ashore one of them remarked, "Good-bye, captain; they have taken all our money and are letting us go," which tallies with the officer's statement regarding bribery. In all laws the principle is laid down, first find who will derive the greatest benefit from the crime committed and you will find the true criminal. Comment is unnecessary.

If in the laws of evidence certain rules are laid down in regard to witnesses, they have been totally disregarded, and in common law their testimony would have been overruled if the judge knew his duty and wanted to do it. Vattel lays down the principle that we are bound to obey the laws of the country we may happen to be in. Granted, but any infraction thereof must be remedied, pursuant to the same, by the action of the home government, as absence does not dissolve the tie that exists between the citizen and his country.

It is the duty of every judge before passing sentence to take into consideration the standing and character of the accused, his previous reputation; in a word, to pass in review the past life of the accused, and then weigh the facts impartially ere he can arrive at a final decision. This was not done, or, if it was, it does not appear, as the sentence was to the full extent of the law.

Furthermore, at the time the statement was made in the custom-house the sailors protested against it as the action of an insane man. This was not heeded, as it should have been, and their subsequent testimony bears out the fact, corroborated by the medical certificate of Drs. Hidalgo and Martinez. These gentlemen examined Captain Caleb, and said certificate is in the trial papers. It may be safely affirmed that it is the first time that the admission of one suffering temporary derangement has been used for conviction, and in all likelihood it will never happen again, as it is hard to believe that the law will ever be twisted in such a way as it has been under pressure. This is proved on the appeal and letter from Culiacan, which has been seen by many parties here. In this letter the statement is made that the case has been fixed to suit the wishes of the party to whom it was addressed.

The twentieth article of the constitution of 1857, in the definition of the rights of man, lays down the guarantees which in this case have been foully wronged. Fraction third declares "that he shall be brought before his accuser, and shall know the parties testifying against him." This was not done, and therefore the whole proceeding is null and void, as no unconstitutional act can be considered legal. This being a violation which involves official responsibility, I am not bound to abide by a decision, when the guarantees accorded to criminals have been denied me.

The true animus was plainly demonstrated during the trial, and the sentence has proved it beyond doubt. The crew were not brought face to face with the captors, nor were they, the witnesses for the prosecution, examined in the presence of the accused, if at all, save in the preliminary examination, and then not in his presence.

Fraction fourth declares that "he shall be furnished with all the data necessary for his defense." This was not done, as only garbled copies were furnished to the defense; another infraction, to which attention is most respectfully called. As we are bound to obey the laws of the country in which we may happen to be, we are justified in protesting against any violation thereof. Such are the facts in this case, and the statement here made can be verified by the copy of the proceedings sent to Washington.

We shall now review the case and judge it accordingly.

Smuggling is the act of introducing goods clandestinely. No substantial proof was brought forward during the trial. The crew denied the allegation made by the cook and boy, and then the defense was not allowed to cross-question the witnesses for the prosecution; thereby the defense was made a farce, as the means to make it good were denied. In all laws the accused or defendant has undoubted right, through his attorney, to cross-question, and by those means arrive at the truth. But in this case it was not so, as has been shown. Had the vessel been consigned to any other house in this port she would never have been seized, and this is the opinion of many, if not all, of the inhabitants of this place. Said house has made many enemies, and they are watching for an opening to injure it, should opportunity occur. The goods that were seized at Frailes' Bay were marked P. H. & Co.; the numbers did not agree with the manifest nor with the description of goods it called for, and the duties were paid on the cargo and the cases seized were the only ones that were contraband. Another point. The sentence called for the imprisonment of the guilty parties, and they are at large, and, so far as known, no effort has been made for their arrest. The only sufferer throughout is an American citizen, who claims, and justly so, the protection of his country.

With regards, &c.,

F. R. MAYTORENA.

[Inclosure 2 in No. 508.]

Captain Caleb to Mr. Miller.

LA PAZ, MEXICO., *February* 1, 1884.

MY DEAR SIR: I directed a letter to you at the Palace Hotel, San Francisco, some time past. I hope that you received it. I now wish to be permitted to write again, hoping I do not intrude or take up too much of your valuable time. I received your

kind letter dated December 13, and many thanks to you for the interest you have taken in me and my case, which I shall not forget, neither my many friends in California. I would be thankful if you would have the report that Mr. H. N. Beach made in my case at the State Department sent to me, and also the report of the United States consul, as I am well aware that there has been some foul play against me, and have good reason to believe the United States consul has been deceiving me all this time and working in the interest of some Mexican relatives of his. He will not tell me anything that passes in my case, and will not answer my letters. It is said that I am kept here as a sacrifice to save some Mexican's reputation and losses. It is about time for me to open my eyes and to know who has done his duty by me. I don't consider that I have been treated like an American citizen at this place or as a gentleman, and if the United States consul don't inform me as to whom to look to for my right, I cannot see anything he has done to help me out of this deep distress. He never looked for testimony in my behalf to send to the State Department, and never was present in court while the trial was going on to see justice done me. He did not interest himself about me or the crew, and got on bad terms with my lawyer. I had no one to look to, I being sick in bed and not able to defend myself. I don't know who the parties were who testified against me, as I never saw them. My trial never was read to me, and my sentence was not pronounced by the judge who committed me. I have not heard one word about the appeal of my case, and there is no one to inform me. I could say much more but I am in the power of a certain set of men at this place who might make things more uncomfortable for me. Mr. Beach was not long enough in this place to give out the true facts of this case and that is why I wish to know of his report, or the part of it he got from the United States consul. All the men who were accused with me were at large all the time the trial was going on. When sentence was passed they left, and some of them are here now on the streets, no attempt being made to detain them. Is that right? A man cannot smuggle alone. I am about sixty years old, forty years at sea, twenty-five years master, and this is my first trouble with a vessel. Three years ago my vessel lost about $900. W. Ward, Sacramento street, paid the bill. I was half owner of the vessel when signed, besides $105 tonnage, dues, and pilotage. The men were paid three and a half months after seizure of vessel, their board while in prison, and three months extra wages and sent home. Is all this right? I am sick and I cannot gain my health. I have had the yellow fever and the effects of it are in me, with my other complaints, and God only knows what I have suffered in body and mind these thirteen months. No friends, never a kind word, and not a sight of the consul. If there is a vice-consul I have never seen him. General R. M. Rangil, governor, has treated me kindly so far. He is a fine gentleman. If any testimony is required, the interpreter in the case will give details. His name is F. R. Maytorena. He knows all the facts about the case. Please excuse a badly written letter, as I am not in a condition to write, and have no one to write for me. I beg to be excused for taking up your valuable time, and allow me to remain your humble servant,

GEO. CALEB,
Late Captain of the Adriana of San Francisco.

All I ask is justice. I am a man that don't find fault unless badly treated. I hope not to lose my vote this year.

Mr. Beach told me not to write any more to the Department. I would not have done so, but I don't think things are going right about my case at this place.

No. 246.

Mr. Frelinghuysen to Mr. Morgan.

No. 511.] DEPARTMENT OF STATE,
Washington, February 23, 1884.

SIR: I transmit herewith, for your information, the inclosed copy of a letter of the 30th ultimo, addressed by Mr. Frederick R. Maytorena, of La Paz, to Capt. George Caleb, respecting the latter's imprisonment and the seizure of his vessel by the Mexican authorities at that port.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

Mr. Maytorena to Mr. Caleb.

LA PAZ, *January* 30, 1884.

SIR: Yours duly received. As it would take too long to go into details to show just when and where the infractions of law occurred, I will give you a plain statement of the facts of the case from notes taken during the trial and from information given me by the mate and crew of the Adriana.

The schooner Adriana, George Caleb master, on a voyage from San Francisco to La Paz, was compelled by stress of weather to put into Frailes Bay with her sails torn and deck-load shifted, and leaking badly, as is shown by reference to her log-book. While she was at anchor at this place, with two anchors down with sixty fathoms of chain to each, the revenue sloop came up and the officer in charge asked to see the ship's papers. These were examined by him in the presence of the crew, and were declared to be all right, and you were told that you might go when and where you pleased. At the same time he gave you a letter to the collector of this port, which, after the sloop on which the goods were found had been seized, he called for and destroyed.

At the time of her seizure this sloop was fully two miles away, inshore. Immediately after her seizure, however, she was brought over to the Adriana, and permission was asked and obtained to put the cases that were on board on the schooner's deck. These circumstances the men were not permitted to relate, being told that they were irrelevant. It may also be stated that only one man of this sloop's crew was brought to this place, being brought here on the 7th day of January, 1883, and set at liberty, a proceeding for which I have so far been unable to find a precedent.

As the two sloops were being towed by the Adriana from Frailes Bay to this place the schooner was boarded, when 30 miles at sea, her papers seized, and command assumed by the captors. It is stated by the mate, who was in command at the time, you being sick and unable to keep on deck, that no order was shown him, and that when the vessel got into port he was forbidden to hoist the flag. You were made a prisoner in your cabin, and were not allowed to hold intercourse with any one.

By such procedure two rules of the Ley de Partida were infringed. As to receivers it is provided:

"To all those guilty of the commission of crime, of counseling it, and of concealing it shall be applied the same penalty" [translation]. Regla 19, tit. 24, Partida 7.

When you were taken to the custom-house you were temporarily deranged by illness. In such case it is provided:

"A man is out of his wits when he does nothing straightforwardly, and therefore he cannot bind himself, because he neither knows nor can distinguish between that which injures and that which benefits him" [translation]. Regla 4, tit. 34, Partida —.

Such are the facts in regard to your case. I could enlarge upon them, but it would take too much time, as the mail is about to close. But should you desire me at any future time as a witness, I shall always be ready, law in hand, to bear witness to what I have stated; and I am confident that I could show that no opportunity was given you to present your defense.

With the greatest regard, &c.,

FRED'K R. MAYTORENA.

P. S.—Having been appointed interpreter by the court, I am cognizant of all that took place. One of the parties sentenced is now at large, the true animus being to injure you. When Mr. Beach was here I expected to be called upon for information, but was not, nor can I say that the consul or vice-consul were in court, although the crew often said they wanted the consul present. He took no interest in the case, and made no effort for the release of the crew, who were kept in jail seventy-five days. The judge bade me tell them that their detention was illegal.

MAYTORENA.

The writer of this letter, Mr. F. R. Maytorena, was the interpreter in my case, and will furnish any information that may be asked on sending word to him at this place, and will tell all that transpired, and the way the trials were conducted. My lawyer, Mr. C. F. Galan, will do so likewise. I do not know the facts in regard to the proceedings of the court, being sick in bed during my trial, and the record not being read to me.

GEO. CALEB.

No. 247.

Mr. Frelinghuysen to Mr. Morgan.

No. 522.] DEPARTMENT OF STATE,
Washington, March 10, 1884.

SIR: I have the pleasure to acknowledge the receipt of your No. 753, of the 18th ultimo, wherein you give a full and succinct review of your treatment of the case of Capt. George Caleb, late of the American schooner Adriana. In commending and approving your action, I observe that Senator Miller was apprised, in reply to his several letters upon the subject, that you had labored zealously in Captain Caleb's behalf, and had done everything consistent with your official position. I shall now transmit a copy of your dispatch as the best evidence, if that were necessary, to support the Department's statement to him.

The attorney of Captain Caleb at La Paz, Mr. Galan, has not so far addressed the Department directly in his client's interests. You have been regularly furnished with all papers that have come to its knowledge respecting Captain Caleb's case.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 248.

Mr. Frelinghuysen to Mr. Morgan.

No. 570.] DEPARTMENT OF STATE,
Washington, May 17, 1884.

SIR: Your dispatches Nos. 775 and 776, both of the 25th ultimo, have been received. Your No. 775 is in relation to the claim of the owners of the American schooner Daylight, of Bath, Me., which vessel while at anchor outside of the bar near the harbor of Tampico, being then on her voyage from Key West, Fla., with a cargo of lumber for Tampico, was, on the 21st of March, 1882, at night, run into by the Mexican gunboat Independencia, the vessel and cargo becoming a total loss; with that dispatch you inclose a copy and translation of a note of the 23d of the same month on the subject, addressed to you by Mr. Fernandez, the secretary for foreign relations of Mexico.

I have given to the suggestions of that minister's note such consideration as its importance and the high source from which these suggestions emanate demand. Mr. Fernandez, conceiving that the views of his Government as heretofore presented by him had not been fully understood by this Department, reiterates the essential points of his previous arguments, stating, in a categorical form, the grounds upon which they rest. These, for convenience, I briefly restate. They are: "That the owners of the Daylight can make their direct demand on the Mexican Government before the Mexican tribunals without previous permission. That the Mexican Government is considered as a person, and as such can sue and be sued before the proper tribunals."

From these grounds Mr. Fernandez concludes that should the Government deem it best that the matter of the Daylight be settled between the two Governments, the United States minister and the Mexican department of foreign affairs will be the medium through which the set-

tlement will be made, the department of war and navy acting as witnesses only of the facts. "But," says Mr. Fernandez, "it having been a practice constantly sustained by the Government that a diplomatic course cannot be taken when it interferes in favor of persons, except in case of a denial of justice, Señor Mariscal and I had the honor to notify your excellency that the complainant (or complainants) must himself appear before the department of war and navy, regretting that such a course is necessary."

Mr. Fernandez's sixth and last conclusion is that "the disaster of the Daylight having occurred in Mexican waters the Mexican tribunals are the proper ones to hear this case, as well as any other which treats of the defining of civil or criminal responsibility, and decide what grade or form of responsibility must be laid upon the delinquents in the deplorable case."

Upon a careful examination of these several propositions of the distinguished secretary for foreign relations of Mexico, I find myself wholly unable to agree with him in the conclusion that the doctrine embraced in them can, with any legal propriety, be considered applicable to the case of the Daylight. In his note to you of the same date regarding the case of the Sidbury, a copy of which accompanies your 776, referring to this same jurisdictional contention, Mr. Fernandez says: "This opinion does not merely rest upon the principle that the courts are called upon to redress injuries which are suffered by the inhabitants of the country or those who are transiently therein, for the purpose for which they are established is to administer justice." Giving to this proposition the interpretation which it has received from all writers on public law, and hitherto accepted by all civilized governments, that is, that the municipal civil laws can only be held applicable to and operative on the rights, property, and persons of the citizens of the country and foreigners who may be either permanently or temporarily residing in the country, I find no difficulty in acceding to it. This, however, is all that can be claimed for it—all, as it is believed, that is claimed for it by the governments of Christian nations—and all that is allowed to it by the uniform declaration of writers on public law. "Considered," says Halleck, "in an international point of view, either the thing or the person made the subject of the jurisdiction must be within the territory, for no sovereignty can extend its process beyond its own territorial limits so as to subject either persons or property to its judicial decisions, and every exertion of authority of its sort beyond its limits is a mere nullity and incapable of binding such persons or property in any other tribunals."

The same doctrine is found stated in different forms of expression in Phillimore, in Wheaton, in Westlake, and in Woolsey. I am not aware that it has ever been questioned.

The owners of the Daylight were never residents of Mexico, either permanent or temporary. They are not known to have ever been in that country. The master of the vessel was not a resident of Mexico, either permanent or temporary, and was never in the country beyond the port at which his vessel might touch. At the time of the occurrence which gave rise to the claim the vessel could scarcely be said, with strict propriety, to have been in Mexican waters. She was anchored outside the bar, near the harbor of Tampico, in an exceptionally rough sea, at the close of a severe storm, which rendered it unsafe for her to attempt to cross the bar or enter the harbor. To insist that those claimants shall go from Maine to Tampico to seek redress in the Mexican tribunals for a grievous wrong suffered at the hands of a high

officer of the navy of that Republic, and in such proceedings to be met by the evidence which the commander of the Independencia would readily be able to elicit from the ship's crew, would, in the estimation of this Government, be a practical denial of justice. The Mexican Government is conceived to be justly responsible to this for the act of that officer, and consequently the views put forth by Mr. Fernandez in behalf of his Government cannot be accepted or acceded to by this.

Guided by the suggestions of my former instructions in regard to the matter, you will again, in the light of the observations made in this, bring the subject to the attention of the minister for foreign affairs, and you will say at the same time that the President hopes and expects that so just a claim as this is deemed to be will receive early consideration, followed by prompt and speedy adjustment at the hands of the Government of Mexico.

I am, sir, &c.,

FRED'K T. FRELINGHUYSEN.

No. 249.

Mr. Morgan to Mr. Frelinghuysen.

No. 773.] LEGATION OF THE UNITED STATES,
Mexico, March 21, 1884. (Received March 31.)

SIR: On the 13th instant I received a dispatch from Joseph D. Hoff, consular agent of the United States at Coatzacoalcos (the dispatch is without date), in which he informed me that H. C. Walker, a citizen of the United States, was under a false accusation of having stolen wood, in prison at Minatitlan, and had been confined since the 19th of March, 1883, without a trial and without any proofs of guilt having been brought forward against him.

Accompanying Mr. Hoff's dispatch was the protest made by Mr. Walker before that officer, a copy of which I inclose.

On the same day I addressed a note to Señor Fernandez, in which I called his attention to the case, and asked for a speedy investigation thereof.

From his reply of the 17th instant you will observe that he has asked for information upon the subject from the governor of the state of Vera Cruz.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 773.]

Consular Agent Hoff to Mr. Morgan.

There is an American citizen here by the name of H. C. Walker, who has been falsely accused of having stolen wood, and been a prisoner here since March 19, 1883, during which time he has never been brought to trial, nor has his accuser ever presented any proofs whatever against him.

He is at present in jail and seriously sick, and although two physicians here have examined him and given their certificates that his life is in imminent danger if longer detained in jail, and that it is impossible to cure him where he is confined, the judge here has refused to permit him to leave the jail to get cured, although he has been offered bail to any amount he required to present himself for trial whenever required by said

judge to do so, and it appears that the judge keeps him in jail because of his personal enmity to said Walker, who has accused said judge to the superior court of this state of injustice.

Accompanying this, I send you a copy of Walker's protest made before me.

Yours, truly,

JOSEPH D. HOFF,
United States Consular Agent.

[Inclosure 2 in No. 773.]

Protest of H. C. Walker.

To all whom it may concern:

Be it known that the undersigned, Howard C. Walker, a citizen of the United States of America, makes and declares the following protest before me, Joseph D. Hoff, United States consular agent for Coatzacoalcos and dependencies thereof, on this 29th day of February, A. D. 18~4, at Minatitlan, protesting as follows:

1. That he, the said Walker, is now, and has been since 19th day of March, A. D. 1883, a prisoner, and is now confined in jail and under arrest, without trial and only upon accusation, no proof of his guilt having been produced or offered, and that he is still so confined without bail or mainprise.

2. That that accusation against him, which is that he has stolen lumber, is false, malicious, and felonious.

3. That he has been treated during his confinement as a criminal of the worst character, having been subjected to worse punishment than has been applied to convicted murderers who have been incarcerated in the same prison at the same time with himself.

4. That the court by whose order he has been so confined has been guilty of the grossest partiality, in that, although bail has been offered, in any amount desired, for his temporary release, the said court has refused to admit him to bail, although it is a notorious fact that a convicted murderer has been admitted to bail by said court, and is now at large.

5. That the said court has been guilty of great injustice and disregard of the laws of the country, in that, although protestor has repeatedly applied for a hearing of his case, no such hearing or trial has been granted by said court.

6. That the said Walker is now, and for some time past has been, suffering from severe bodily ailments (as more fully appears by the certificates of two well-known and competent physicians, which are hereunto attached), which render it necessary, for the preservation of his life, that he should be removed from his present prison where he occupies a cell in common with, at times, upwards of fifty other prisoners, to some place where he can receive the care, quiet, and attention which his condition demands.

Admission to his presence has been denied to his wife, as also permission to furnish him with proper food and medicines.

Against all of which acts of arrest, restraint, punishment, and partiality and injustice of court, the said Walker protests; and I, Joseph D. Hoff, consular agent of the United States of America for Coatzacoalcos and dependencies, having myself seen said Walker, and recognizing the injustice and inhumanity of his treatment, do also protest that his confinement is an outrage against humanity and common justice.

Therefore, Howard C. Walker, a citizen of the United States, protests against such usage, and that he will hold the perpetrator of said outrages responsible for such damages pecuniarily.

And I, Joseph D. Hoff, do also protest against such outrages to an American citizen.

Minatitlan, the 29th February, 1884.

HOWARD C. WALKER.

Be it known that Howard C. Walker, the subscriber of the foregoing protest, now in jail, being sworn before me, the subscriber, according to law, on his oath saith that the above protest is true in every respect, as far as he knows the law, and is true to the facts, in his belief.

Sworn to before me in jail, at Minatitlan. Witness my hand and seal of office this 1st day of March, 1884.

JOSEPH D. HOFF,
United States Consular Agent.

The above is a copy of the original filed with me.

JOSEPH D. HOFF.

[Inclosure 3 in No. 773.]

Mr. Morgan to Mr. Fernandez.

LEGATION OF THE UNITED STATES,
Mexico, March 13, 1884.

SIR: This legation has been informed, through the consular agent of the United States at Coatzacoalcos, that Howard C. Walker, a citizen of the United States, was arrested by the authorities of the above-named place on or about the 19th day of March, 1883, on the charge of having stolen lumber; that since the date aforesaid he has been confined in jail; that bail has been refused him; that he has repeatedly demanded a trial without avail, although his health is in a precarious condition; that no proof of guilt has ever been brought against him which would authorize his imprisonment.

Under these circumstances I bring the case of Mr. Walker to the notice of your honor's Government, with the request that it may be promptly investigated and speedy trial awarded him.

I renew, &c.,

P. H. MORGAN.

[Inclosure 4 in No. 773.—Translation.]

Mr. Fernandez to Mr. Morgan.

DEPARTMENT FOR FOREIGN AFFAIRS,
Mexico, March 17, 1884.

MR. MINISTER: I have received your excellency's note of the 13th instant, relating to the imprisonment at Coatzacoalcos of Mr. Howard C. Walker, accused, as it is reported, of having stolen wood.

In reply I have the honor to say to your excellency that I have this day asked for information upon the subject from the governor of Vera Cruz.

I renew, &c.,

JOSÉ FERNANDEZ.

No. 250.

Mr. Morgan to Mr. Frelinghuysen.

No. 775.] LEGATION OF THE UNITED STATES,
Mexico, March 25, 1884. (Received April 10.)

SIR: I transmit herewith a copy and translation of Señor Fernandez' note to me of the 23d instant (received to-day) in answer to mine to him of the 8th December, 1883, relating to the claim against the Government of Mexico by the owners of the schooner Daylight, sunk by a Mexican national vessel in the harbor of Tampico.

Señor Fernandez is of the opinion that the owners of the Daylight must first present their claim to the department of war and marine, and, in case that department does not satisfy them, to the courts, and that diplomatic intervention in the matter cannot be admitted, except in case of a denial of justice by the tribunals of the country.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 775.—Translation.]

Mr. Fernandez to Mr. Morgan.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, March 23, 1884.

MR. MINISTER: I have the honor to answer the note of your excellency, dated December 8, 1883, referring to the case of the Daylight, and also that of February 13, last, recalling to mind the first.

To avoid the ambiguity which the Department of State is believed to have found in the previous notes on this matter I will reduce my answer to direct propositions according to the order corresponding to the points indicated in the principal note of your excellency:

1. The owners of the Daylight can make their direct demand on the Mexican Government before the Mexican tribunals without previous permission, no law requiring the same.

2. The right of petition conceded to all in the Republic by the constitution, has but one constitutional limitation; in political affairs only Mexican citizens can enjoy this right.

3. The Mexican Government is considered as a person and as such can sue and be sued before proper tribunals.

4. The citizen in Mexico in whom is vested the executive power of the Government of the country is alone responsible, during his incumbency, for any treason, express violation of the constitution, attack on the electoral franchise of the people, and grave crimes against the public safety and good order; but, as stated in paragraph 3, the Government is always liable for suit, no previous permission being necessary.

5. Should the Government deem it best that the matter of the Daylight be settled between the two Governments, your excellency and this department will be the medium through which the settlement will be made, the department of war and navy acting as witness only, of the facts, but it having been a practice constantly sustained by the Government that a diplomatic cause cannot be taken, when it interposes in favor of persons, except in a denial of justice; Señor Mariscal and I had the honor to notify your excellency that the complainant (or complainants) must himself appear before the department of war and navy, regretting that such a course is necessary.

6. The disaster to the Daylight having occurred in Mexican waters, the Mexican tribunals are the proper ones to hear this case, as well as any other which treats of the defining of civil or crimnal responsibility, and decide what grade or form of responsibility must be laid upon the delinquents in this deplorable case.

The Mexican Government regrets its inability to concur in the opinion of your excellency and lays the blame on the plaintiff until competent tribunals decide otherwise.

Accept, &c.,

JOSÉ FERNANDEZ.

No. 251.

Mr. Morgan to Mr. Frelinghuysen.

No. 784.] LEGATION OF THE UNITED STATES,
Mexico, April 4, 1884. (Received April 17.)

SIR: Referring to my dispatch No. 753, February 18, 1884, in regard to the case of Capt. George Caleb, under sentence of five years' imprisonment, charged with smuggling, I now inclose a copy and translation of a note addressed to me by Señor Fernandez, together with the document thereunto annexed, from which you will observe that the President of Mexico has refused to pardon Caleb or to commute his sentence.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 784.—Translation.]

Mr. Fernandez to Mr. Morgan.

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, March 31, 1884.

MR. MINISTER: Referring to the correspondence between your l[illegible]ation and this department with reference to the application for a pardon made by your excellency's Government in favor of Capt. George Caleb, I have the honor to transmit to your excellency herewith a copy of a report, under date of the day before yesterday from the department of justice, which gives the reasons for declining to accede to said application.

This department regrets that the serious reasons given by the ministsr of justice in his report prevents the realization of the earnest desire which the President entertained to pardon Captain Caleb and thus to comply with the wishes of the United States Government.

I renew, &c.,

JOSÉ FERNANDEZ.

[Inclosure 2 in No. 784.—Translation.]

Mr. Baranda to Mr. Fernandez.

DEPARTMENT OF STATE FOR JUSTICE AND PUBLIC INSTRUCTION,
Mexico, March 28, 1884.

In due course this department received your official communication of the 18th of February last, in which was inclosed the translation of a note which the minister of the United States of America in behalf of his Goverument addressed to your department asking for the pardon of Capt. George Caleb, who was sentenced by the Mexican tribunals to five years' imprisonment for the offense of smuggling.

These notes, as well as the one addressed to me by you in reply to the one which in conformity with the circular of the 31st of January, 1871, was made on the 29th of January of the present year, were submitted to the consideration of the chief of the judicial section of this department, who had under consideration, and for the same object, Caleb's application for pardon, as well as the petition subsequently presented in his name by the American citizen, Arthur P. Cushing, to the effect that the pardon being denied a commutation of his sentence might be granted.

As far back as the 1st of December of last year the chief of the bureau had concluded that nothing could be determined in respect of Caleb's petition, as it was not accompanied by the conditions of the law, and because there was no reason nor faculty to dispense with them in accordance with the requirements which have been always exacted in all similar cases which have been presented.

The first of these requirements consists in a copy of the sentence pronounced against the petitioner, because, according to article 284 of the penal code, no pardon can be granted except upon a sentence imposed by a final judgment, and this condition of things was not and has not been stated to exist, although he has always been in possession of a copy of the judgment. The other requirements of the case, to conform with article 287 of the penal code, are:

I. That the prisoner should have served two-fifths of the sentence pronounced against him;

II. That during that time his conduct has been good;

and in neither of these categories is Caleb.

In reference to the commutation of sentence asked for by Mr. Cushing and subsequently by telegraph by Caleb, the chief of the section meets with the same legal difficulties which apply to the pardon, because there was not, even then, presented a copy of the sentence, and article 240 of the code provides: That no reduction or commutation of a penalty can be made except by the executive power, *and after it has been irrevocably pronounced* (after final judgment).

Mr. Cushing, pursuaded of the necessity of removing these difficulties, presented another application on the 14th of the present month, in which he said that a copy of the sentence pronounced against Caleb was in the department of hacienda, and he requested that it might be added to the record. With the view of facilitating the proceedings, his request was at once complied with, and within the shortest delay the minister of hacienda sent a copy of the judgment pronounced against Caleb on the 16th of April of last year by the district court of Lower California; but this judgment was not the one which the law required, as it was not a final one, as is established by the fact that it had been appealed against and was pending before the circuit court of Culiacan, from which it resulted that matters remained in the condition that they were in before the copy was received.

These circumstances show that the delay in the matter under consideration is not attributable to this department, but are due exclusively to the fact that the application made here was not made in conformity with the positive requirements of the penal code, which do not on this point innovate upon the old principle that applications for pardon to individuals should not be made, except in cases where a sentence has been pronounced which can be executed.

Having transmitted to you the communication addressed to Mr. Cushing, asking for the judgment, you occupied yourself with the matter, and, animated by the desire to expedite a decision of the Executive, you sent me on the 19th of the present month a copy of the judgments rendered by the district court of Lower California on the proceedings had against the American schooner Adriana, and in the criminal incident

against the captain of said vessel, a copy of the judgment of the circuit court of Culiacan, and a copy of the judgment of the same tribunal refusing the application for a rehearing applied for by Caleb's counsel. This was a compliance with the first requirement of the law, and authorized a study of the question.

From the report made by the section it appears that George Caleb was tried before the competent tribunals of the Republic in strict conformity with the laws, the accused having availed himself of all the rights guaranteed to him thereby, and that on the 30th of July, 1883, sentence was pronounced against him condemning him to five years' imprisonment, counting from the day when he was declared a prisoner as responsible for the offense of smuggling. These facts established, the section, considering the text of the code is of the opinion that George Caleb can be granted neither a pardon nor a commutation of the sentence pronounced upon him, except in the sense of modifying the circumstances which are incompatible with his age and the state of his health.

The fundamental principles upon which this opinion rests are the following:

That article 287 of the penal code, permits an unconditional pardon when he who solicits it has rendered important services to the nation; when the President is of opinion that it will tend to the preservation of the public tranquillity or security; or when it appears that the party condemned is innocent.

In other cases, under the following requisites: When the prisoner has served two-fifths of his sentence; when, during that term, his conduct has been continuously good and his reform complete in the form required, and that he has complied with his civil responsibility, giving security that he will not become absolutely insolvent; and as Caleb, as has been said, has not established that he comes under either of the conditions of said article, it is evident that a pardon cannot be granted to him.

As regards the commutation, the article 242 of the code establishes the rules which are to be observed in order to grant it, and the only one applicable to the case when the sentence is one of imprisonment is found in Section IV of said article, which says: *Only when from any circumstance the punishment is incompatible with the age, sex, health, or physical constitution of the prisoner the circumstances may be modified.* And when Caleb shall allege and prove by the certificate of two competent parties that the climate in which he finds himself will be fatal to him (extinguendo la pena), is detrimental to his health, this circumstance may be modified by allowing him to come to this capital or to go some other place of the Republic.

The President considering that in effect George Caleb has rendered no important services to the nation; that there is no ground to believe that his pardon would be conducive to the public tranquillity or security, but on the contrary, that the impunity of crime would compromise the public tranquillity and security, particularly of crimes which affect the public revenues; that the prisoner does not appear to be innocent, and that according to his petition for pardon he is convicted of and confesses to having committed the offense for which he has been condemned; and, lastly, that the prisoner has not completed two-fifths of his sentence—refuses the pardon for the powerful reason that he has no power to grant it, and considers that the dispositions of the code upon the subject of the commutation of the sentence limits the concession thereof to modifying the circumstances of the imprisonment to the condition most favorable to the health of the prisoner.

To more fully appreciate the order in Caleb's case, it appears proper to state that the constitution of the United States of Mexico does not vest in the President the discretionary power to pardon, but restricts it, and declares that it can only be done in conformity with the law, which is clearly shown in fraction xv, article 85, of said constitution, which is not drawn up in the full and unconditional terms used in the respective Section II, Article II, of the Constitution of the United States of America.

The law which governs the President, in compliance with the fraction of the constitution cited, is the penal code of the federal district and territory of Lower California upon offenses at common law, and in all of the Republic upon offenses against the federation; and it has been abundantly established that according to that law the executive cannot grant a pardon in the case of George Caleb.

The President would have been well pleased if it had been possible for him to have decided otherwise, and to have granted the pardon asked for, as well because it would have been in conformity with his acknowledged sentiments in favor of clemency, as because it would have furnished him with an opportunity of giving another proof of the friendship which he feels for the United States, whose active intervention in this matter has been considered with the respect and consideration which it deserves; but within the circle of his legal attributes he has been obliged to govern his conduct by his duty.

All of which, by order of the President, and in answer to the communications referred to, I have the honor to inform you of, that it may have its corresponding effect.

Liberty and constitution.

BARANDA.

To the *Under Secretary of State in charge of the Department of Foreign Affairs.*

No. 252.

Mr. Morgan to Mr. Frelinghuysen.

No. 820.] LEGATION OF THE UNITED STATES,
Mexico, June 2, 1884. (Received June 13.)

SIR: My dispatch No. 773, 21st March last, and its inclosures, informed you of the steps I had taken to procure an investigation of the case of Howard C. Walker, charged by the Mexican authorities at Minatitlan with having stolen wood.

I have now to report to you that on the 15th of May last I received a letter from Mr. Walker, dated the 3d of that month, in which he stated his case to me and asked for such assistance as it might be in my power to render him. To this letter I replied on the 16th.

Señor Fernandez not having furnished me the information he said he had asked for from the governor of Vera Cruz (see inclosure 4 in my dispatch No. 773), and as Mr. Walker's case, as stated by him, appeared to me to be a particularly hard one, I addressed another note to Señor Fernandez on the 15th of May, 1884, reiterating the request contained in my note to him of the 13th March last (inclosure 3 in No. 773).

On the 31st May I received Señor Fernandez's reply (28th May), a copy and translation of which I inclose.

Señor Fernandez states that he had asked for information from the governor of the State of Vera Cruz, who, in turn, had made inquiries of the superior court, but he does not state that the governor has been able, as yet, to furnish him with any information in the case.

He further states that while he has made these inquires in this as in other cases which I have brought to his notice, in compliance with my request, with the view of bringing to the knowledge of the courts the irregularities charged therein, it must not be implied therefrom that he has done so under any authority of his department to supervise the action of the courts in judicial proceedings which relate to private individuals, because of the independence of the public powers, Federal and State.

And as regards Walker, he informs me that as he does not appear to have been matriculated at the foreign office as a citizen of the United States, he will be prevented from admitting any future official intervention in his behalf.

Since my note to Señor Mariscal, of the 25th of September, 1882, written under instructions contained in your No. 298, 24th of July, 1882, I have several times called the attention of the Mexican Government to cases of citizens of the United States held in confinement in the prisons of Mexico, and asked for investigation and speedy trials, to none of which has objection been made to my interposition on the ground that they were not matriculated. I had therefore hoped, as my note of the 25th of September, 1882, has never been answered, that the Mexican Government had abandoned that untenable position. It appears that I have been mistaken. Señor Fernandez occupies it again.

Unless otherwise instructed I shall pay no attention to Señor Fernandez's suggestion that he will not accept the intervention of this legation in Mr. Walker's behalf should he need it, but will act under the opinion expressed by you in your dispatch No. 298, above referred to.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 820.]

Mr. Walker to Mr. Morgan.

MINATITLAN, *May* 3, 1884.

SIR: My name has been previously presented to you by Capt. J. H. Hoff, consular agent at Coatzacoalcos, in connection with the affair of the Norwegian bark Circassian. I am an American citizen, resident of Saint Louis, Mo. My father, Col. Leo D. Walker; my relations there, whom you undoubtedly know—uncles, Samuel B. Churchill and Francis T. Bryan; other members of my family, the Schaumbergs, Smaringins, Goods, Wash, Clarks, and Taylors of the old Taylor homestead. United States Senator Blackburn is a connection of mine; Senators Hampton and Butler warm and intimate friends of my mother's family, the Turnbulls of South Carolina. I, for the past two years, have been shipping or river clerk for Mr. R. H. Leetch, of this place, the heaviest mahogany merchant in the Republic, and in pursuance of my legitimate business shipped on board the bark Circassian, together with other timber, some hundred and odd logs of mahogany, which I afterwards learned were claimed by one José R. Teran, but all bearing the brand of Mr. Leetch and undoubtedly his property. The ship has been discharged by order of the tribunal and not one log was found with the mark claimed by said Teran, yet from pure maliciousness I am still held a prisoner. I thought no more of the matter until suddenly one day, the 19th of March, 1883, while discharging my duties as clerk, I was arrested and thrown into a miserable prison, and an accusation or charge brought against me for robbery of timber.

I became very ill with fever, and was taken out of prison and sent to my house. After my recovery nothing more was said to me until the 12th of February last, when I was again arrested on the same charge and again thrown into prison, where I have remained, and from whence I am now writing. Confined here with the most reckless class of criminals, lepers and Indians, with all classes of diseases, I have once come near dying, and am still in wretched health. Mr. Leetch has offered to give any amount of bond required for me, but it is refused. The judges are all acting in the most illegal and extraordinary manner, and are men of utter irresponsibility, who, outside of their clique have not the respect of the most ignominious Indian. I have formally accused them all before the tribunal. I feel that I am the subject of a deliberate conspiracy, planned to satisfy private malice. Innocent of the accusation brought against me, my character having been hitherto untarnished, and after being a prisoner for more than fourteen months without trial, and a determination being evident not to allow me one, and seeing no end of this matter in the near future, I make a positive and urgent appeal to you, as my minister, to take immediate telegraphic action to secure my liberty and rights as an American citizen, for I will die in this horrible prison, which, from its crowded and unhealthy condition can be truthfully compared to the Black Hole of Calcutta.

I ask only a faithful and *prompt* execution of the laws of the country, which would set me free, and I appeal to you as the representative of our nation to afford me the assistance which is in your power, and which I feel sure you would have sooner extended had you been fully cognizant of the facts of the case.

Awaiting your reply before taking further steps, I am, &c.,

HOWARD C. WALKER.

[Inclosure 2 in No. 820.]

Mr. Morgan to Mr. Walker.

LEGATION OF THE UNITED STATES,
Mexico, May 16, 1884.

SIR: Your letter of the 3d instant was received yesterday.

Consular Agent Hoff's undated dispatch, which I received on the 15th of March last, was the first intimation made to me of your arrest and imprisonment. On the same day that I received his dispatch I called the attention of the Mexican Government to your case, and asked for a speedy investigation thereof.

The secretary for foreign relations replied, on the 17th March, that he had asked for information upon the subject from the governor of the State of Vera Cruz. On the receipt of your letter of the 3d instant, I addressed another note to the foreign office, again asking that you be afforded a speedy trial, of all of which I informed Mr. Hoff on the 21st March.

I have done, and shall continue to do, everything in my power to protect you in your rights.

I am, &c.,

P. H. MORGAN.

[Inclosure 3 in No. 820.]

Mr. Morgan to Mr. Fernandez.

LEGATION OF THE UNITED STATES,
Mexico, May 15, 1884.

SIR: On the 15th March last I called your honor's attention to the case of Howard C. Walker, a citizen of the United States, who had been arrested on the 19th of March, 1883, by the Mexican authorities at Minatitlan (or Coatzacoalcos), and who was, at the date of my note, still in prison upon the charge of having stolen some lumber. I asked that prompt investigation be had of his case in order that, if innocent of the charge under which he was held in confinement, he might be set at liberty. On the 17th of the same month your honor informed me that you had asked for information respecting the case from the governor of Vera Cruz. Two months have elapsed since the date of your note, and I have heard nothing further from you upon the subject.

In the meanwhile I have received a letter from Mr. Walker, dated the 3d instant, in which he informs me that he is still in prison. Mr. Walker states that as the shipping agent of Mr. R. H. Leetch he had shipped on the Norwegian bark Circassian some mahogany logs; that these logs were claimed by Mr. José R. Teran; that the vessel was discharged of her cargo by order of the tribunal of the district, and that none of the logs were marked as claimed by Mr. Teran.

The date at which the circumstance took place I have not been told, but on the 19th of March, 1883, Mr. Walker was arrested, as above stated, and thrown into prison. He fell ill and was sent to his own house. After his recovery nothing was said to him until the 12th of February last, when he was again arrested upon the same charge and again sent to prison, where he now is "confined," as he says, "with all classes of criminals, lepers and Indians, with all classes of diseases." He informs me that since his second arrest he has been once near the point of death, and that he is still in wretched health. He has offered to give bond pending the proceedings against him, but his offer has been declined.

What Mr. Walker asks is a faithful and prompt execution of the laws of Mexico. And this, I think, it must be admitted he is entitled to. It is, therefore, my duty to again call your honor's attention to Mr. Walker's case, and to claim for him the speedy trial to which he is entitled.

I renew, &c.,

P. H. MORGAN.

[Inclosure 4 in No. 820.—Translation.]

Mr. Fernandez to Mr. Morgan.

DEPARTMENT OF FOREIGN RELATIONS,
Mexico, May 28, 1884.

MR. MINISTER: As I said to your excellency in my note of the 17th of March last, in reply to yours of the 13th of the same month with reference to the imprisonment of Howard C. Walker, at Minatitlan, this department asked for information concerning the circumstances of the case of the governor of the state of Vera Cruz who has answered that he, in turn, has asked for information of the supreme court of justice of that State.

As well to comply with the courteous application which your excellency made in your note referred to, as well as with the view of bringing to the knowledge of the competent tribunal the irregularities which it is alleged have been committed in Walker's case, the department under my charge considered it proper to take that step, as it has taken it in other similar cases which your excellency has brought to its notice, but without implying the faculty or the possibility of this department to supervise the judicial proceedings which affect particular individuals, by reason of the independence of the public powers into which the Government, Federal as well as State, is directed.

I consider it the more necessary to make this explanation to your excellency in respect of your note relating to Walker, of the 15th instant, inasmuch as it does not appear from matriculation register that that individual is a citizen of the United States, a circumstance which prevents me from accepting the ulterior official intervention of your excellency in the matter.

I renew, &c.,

JOSÉ FERNANDEZ.

No. 253.

Mr. Frelinghuysen to Mr. Morgan.

No. 595.] DEPARTMENT OF STATE,
Washington, June 23, 1884.

SIR: Your dispatch No. 820, of the 2d instant, has been received. It presents the case of Howard C. Walker, an American citizen, arrested and imprisoned at Minatitlan, the 19th of March last, charged with having stolen some lumber.

Mr. Walker's statement to you is that for the past two years he has been shipping or river clerk for Mr. R. H. Leetch, of Minatitlan, the heaviest mahogany merchant in Mexico, and that in pursuance of his, Walker's, legitimate business, he shipped on board the bark Circassian, together with other timber, some hundred and odd logs of mahogany which, as afterwards learned, were claimed by one José R. Teran, but all bearing the brands of Mr. Leetch, and undoubtedly his property. "The ship," continued Mr. Walker, "has been discharged by order of the tribunal and not one log was found with the mark claimed by said Teran, yet, from pure maliciousness, I (Walker) am still held a prisoner."

You accordingly presented Mr. Walker's case to the Mexican Government, asking for a speedy investigation thereof. Mr. Fernandez advises you, in reply, that, as a matter of courtesy, he will obtain information upon the subject, but admonishes you that, Mr. Walker not having been registered at the foreign office, diplomatic intervention in his (Walker's) behalf will not in future be admitted.

Like yourself, I confess to not a little surprise that the Mexican Government should have again resorted to so untenable a ground as that herein advanced, especially, too, in view of the fact, which you state, that since your note to Mr. Mariscal of September 25, 1882, based upon my instruction of July 24, 1882, No. 298, wherein the question of matriculation was fully discussed, you have had occasion to repeatedly call the attention of the Mexican Government to cases of American citizens imprisoned in Mexico, with a view of securing an investigation and speedy trial, and in not one of which has objection been made to your interposition on the ground that the accused person had not matriculated.

In that instruction you were told that this Government declined to recognize the pretension of Mexico to limit the diplomatic intervention in behalf of abused citizens of the United States in Mexico, to those cases in which the injured person had been registered or matriculated, and that the inherent right of such citizen to demand of his Government and its duty to afford him such protection as was possible in a foreign land could not be controlled or abridged by a Mexican municipal statute.

Your action and conclusion in respect of Mr. Walker's case is therefore approved. Until Mexico shall meet our argument as to matriculation on such basis as this Government may accept, with due regard to its constitutional and international right to protect its citizens abroad, you will continue to ignore the Mexican contention that a failure to matriculate necessarily debars a citizen of the United States from the assistance of its diplomatic representative at the Mexican capital.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 254.

Mr. Morgan to Mr. Frelinghuysen.

LEGATION OF THE UNITED STATES,
No. 833.] *Mexico, June* 26, 1884. (Received July 5.)

SIR: In compliance with the instructions contained in your dispatch No. 570, 17th May, 1884, in regard to the schooner Daylight, I addressed a note to Señor Fernandez on the 2d instant, in which I brought to his knowledge the contents of your above-mentioned dispatch.

You will observe that my note to the under secretary of state in charge of the department for foreign affairs is nearly a copy of your dispatch.

No reply having been made to my note, I deem it proper to inform you what has been done in the premises, in order that you may see that your instructions have been carried out.

I am, &c.,

P. H. MORGAN.

[Inclosure in No. 833.]

Mr. Morgan to Mr. Fernandez.

LEGATION OF THE UNITED STATES,
Mexico, June 2, 1884.

SIR: I have again to call your honor's attention to the case of the American schooner Daylight, which, while at anchor outside of the bar, near Tampico, was, in the night of the 21st March, 1882, sunk by the Mexican gunboat Iudependencia.

The details of the case and the demand made by my Government for compensation to the owners of the Daylight for the sinking of their vessel by the Mexican gunboat are all set forth in the several notes which I have had the honor to address to the department over which you preside, and it is not necessary that I should at the present moment recapitulate them.

I take up the case where your honor left it in your note of the 23d of April last.

In that note your honor assumes the position that the owners of the Daylight can make their direct demand on the Mexican Government before the Mexican tribunals without permission; that the Mexican Government is considered as a person, and as such can sue and be sued before the proper tribunals; and you conclude that should the Government deem it best that the matter be settled between the two Governments, the United States minister and the Mexican department of foreign affairs will be the medium through which the setlement will be made, the department of war and navy acting as witnesses only of the facts. And your honor adds: "But it having been a practice constantly sustained by the Government that a diplomatic course cannot be taken when it interferes in favor of persons except in case of denial of justice, señor Mariscal and I had the honor to notify your excellency that the complainant (or complainants) must himself appear before the department of war and navy, regretting that such a course is necessary." And your honor's last conclusion is that "the disaster of the Daylight having occurred in Mexican waters, the Mexican tribunals are the proper ones to hear this case as well as any other which treats of the defining of civil or criminal responsibility, and decide what grade or form of responsibility must be laid upon the delinquents in the deplorable case."

This note was transmitted by you to the Department of State at Washington, and the Secretary of State informs me that "upon a careful examination of these several propositions of the distinguished secretary for foreign relations of Mexico, I find myself wholly unable to agree with him in the conclusion that the doctrine embraced in them can, with any legal propriety, be considered applicable to the case of the Daylight."

In your honor's note to me of the same date, in respect of the steamer Sidbury, you say: "This opinion does not merely rest upon the principle that the courts are called upon to redress injuries which are suffered by the inhabitants of the country or those who are transiently therein, for the purpose for which they are established is to administer justice."

Giving to this proposition the interpretation which it has received from all writers on public law, and hitherto accepted by all civilized Governments, that is, that the municipal civil laws of any country can only be held applicable to, and operative in, the rights, property, and persons of the citizens of the country and foreigners who may be either permanently or temporarily residing in the country, the position may be admitted.

This, however, is all that can be claimed for it, and, as it is believed, it is all that is claimed for it by the Governments of Christian nations, and all that is allowed to it by the uniform declarations of writers on public law. "Considered," says Halleck, "in an international point of view, either the thing or the person made the subject of the jurisdiction must be within the territorial limits so as to subject either persons or property to its judicial decisions, and every exertion of authority of its sort beyond its limits is a mere nullity and incapable of binding such persons or property in any other tribunal."

The same doctrine is found stated in different forms of expression in Phillimore, in Wheaton, in Westlake, and in Woolsey. I am not aware that it has ever been questioned.

The owners of the Daylight were never residents of Mexico, either permanently or temporarily. They are not known to have ever been in this country. The master of the vessel was not a resident of Mexico, either permanent or temporary, and was never in the country beyond the point at which his vessel might touch. At the time of the occurrence which gave rise to the claim, the vessel could scarcely be said with strict propriety to have been in Mexican waters. She was anchored outside the bar near the harbor of Tampico, in an exceptionally rough sea, at the close of a severe storm, which rendered it unsafe for her to attempt to cross the bar or enter the harbor. To insist that these claimants shall go from Maine to Tampico to seek redress in the Mexican tribunals for a grievous wrong suffered at the hands of a high officer of the navy of that Republic would, in the estimation of my Government, be a practical denial of justice. The Mexican Government is, in the opinion of my Government, conceived to be justly responsible to it for the act of that officer, and consequently the views put forth by your honor in behalf of your Government cannot be accepted by mine.

I therefore again bring the case to the consideration of your honor, and I have been instructed to say at the same time that the President of the United States hopes and expects that so just a claim as this is deemed to be will receive early consideration, followed by prompt and speedy adjustment at the hands of the Government of Mexico.

I renew, &c.,

P. H. MORGAN.

No. 255.

Mr. Morgan to Mr. Frelinghuysen.

[Extract.]

No. 843.] LEGATION OF THE UNITED STATES,
Mexico, July 1, 1884. (Received July 11.)

SIR: * * * I inclose a copy of a dispatch from Consul Viosca of the 17th June last, in which he informs me that Captain Caleb escaped from La Paz on the 11th of May last on the Mexican steamer Estado de Sonora and landed at Guaymas, whence he went by rail to San Francisco.

Also a copy of Consul Kelton's dispatch of the 7th of June, in which he states that the captain of the steamer Estado de Sonora informed him that Captain Caleb took passage on his steamer at La Paz under the name of John Kelly about the 30th of May last, and went to Guaymas, whence he proceeded to San Francisco.

I am, &c.,

P. H. MORGAN.

[Inclosure 1 in No. 843.]

Consul Viosca to Mr. Morgan.

UNITED STATES CONSULATE,
La Paz, Mexico, June 12, 1884.

SIR: * * * On the 11th of May last Captain Caleb deserted the private house wherein he was confined, committing a breach of parole, under which custody he had been kept before and after he was sentenced to suffer the penalty of five years of imprisonment, leaving the said house (from information acquired from outside circles) on the night of the date above mentioned, when he absconded on board of the Mexican steamer Estado de Sonora, and have also been informed that he was conveyed to Guaymas, and that he there took the railroad train for San Francisco, Cal., where he now still remains. The circumstances of his escape never came to the knowledge of this consulate until the 30th of May, since which time I have had no chance for communicating the incident.

I am, &c.,

JAS. VIOSCA,
Consul.

[Inclosure 2 in No. 843.]

Mr. Kelton to Mr. Morgan.

CONSULATE OF THE UNITED STATES,
Mazatlan, Mexico, June 7, 1884.

SIR: I am in receipt of your letter relative to Captain Caleb.

The purser of the steamer Estado de Sonora informed me to-day that Captain Caleb (under the name of John Kelly), took passage on said steamer from La Paz to Guaymas about the 30th of May last, and from Guaymas proceeded to San Francisco.

I infer that he escaped from La Paz; probably assumed that no steps would be taken by the authorities to impede his escape.

I am, &c.,

E. G. KELTON.

No. 256.

Mr. Frelinghugsen to Mr. Morgan.

No. 603.] DEPARTMENT OF STATE,
Washington, July 7, 1884.

SIR: I herewith inclose for your information a copy of a letter of the 3d instant, from Mr. J. W. Coates, jr., of Florida, in relation to the case of Mr. Howard C. Walker, which was the subject of my instruction to you, No. 595 of the 23d ultimo, and observe that you will promptly extend to Mr. Walker every attention consistent with justice and his American citizenship.

Mr. Coates personally visited the Department in behalf of Mr. Walker.

I am, sir, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in 603.]

Mr. Coates to Mr. Davis.

WASHINGTON, *July* 3, 1884.

DEAR SIR: The case of Mr. Howard C. Walker is simply that he is accused of an offense which was never proven; cast into jail at Minatitlan, State of Vera Cruz, and refused bond or trial, and when our consul went to see him was ordered away until they saw fit to let him in.

Humbly, yours respectfully,

J. W. COATES, JR.,
Suwannee Station, Florida.

P. S.—Many thanks for your kind reception and attention toward me this morning.

No. 257.

Mr. Frelinghuysen to Mr. Morgan.

No. 609.] DEPARTMENT OF STATE,
Washington, July 11, 1884.

SIR: By instruction No. 550, of the 23d of April last, you were acquainted with a dispute then lately arisen concerning the legitimate jurisdiction over certain islands in the Rio Grande (Rio Bravo) near Roma, Tex., and you were directed to present the matter to the Mexican Government and ask consideration of our just claim to jurisdiction in the premises.

Since then, the Mexican Government has made, through Señor Romero, under date of June 12 last, a counter complaint, claiming Morteritos Island as Mexican territory, with its accretions, and protesting against any attempt on the part of the United States to exercise authority over that island.

The note of Mr. Romero and its inclosures, being very voluminous and not yet wholly translated, could not be sent to you herewith without involving inconvenient delay. Copies will, however, go to you as soon as possible, to complete your record.

The questiou appearing to be one of simple fact, to be settled by the records of the Boundary Commission, under the signatures of both commissioners, now on file in this Department, I requested the Secretary of War to direct Brig. Gen. W. H. Emory, U. S. Army, the United States commissioner on the original survey, to examine the records and charts thereof. General Emory has done so, Señor Romero having had at the same time opportunity to personally inspect the records and charts. The general's report removes all ground for doubt that Morteritos belongs to the United States, under the prescriptions of the treaty of Guadalupe Hidalgo.

I have accordingly replied to the Mexican contention by a note* to Señor Romero, of which I inclose a copy for your information.

The question would appear to have been in part founded on a case of mistaken identity, in assuming that two small twin islands below and near to Roma, and separated at the time of the survey by a shallow water-course now believed to be filled up, were the Morteritos and Sabinos Islands of the Mexican contention and identical with islands Nos. 12 and 13. It seems clear that Sabinitos (or Sabinos) is a large single island, lying some distance above Roma, and is acknowledged Mexican territory both by the records of the survey and in the absence, so far as known here, of any occasion for dispute in respect thereof. Island No. 12, to which Señor Romero refers in one of his notes on the subject, lies lower down the river, near Ringgold Barracks, is styled on the survey charts Green Key Island, and likewise appears to belong to Mexico without dispute.

It is apparently in respect only of the small twin islands, known on charts both as "Beaver Islands" and as "Island No. 13," that any dispute exists. The larger of these, lying nearest to the Mexican shore, appears to be known to the Mexicans as "Morteritos." The other smaller island of the pair may or may not be locally known as "Sabinos." It bears no separate name on the charts. The fact is, however, wholly immaterial, for both the islands are by the two commissioners assigned to the United States.

* For inclosure see document No. 266 *post.*

After reading my note to Señor Romero and familiarizing yourself with the ground therein taken, you will seek a conference with the Mexican secretary for foreign affairs on the subject. You will point out to him that under whichever aspect it be viewed, whether as resting on a change in the deepest channel subsequent to the assignment of the survey, or on the allegiance of the reputed Mexican owners of the land and on any agreement among them of which the Mexican courts may have taken cognizance, the Mexican claim is completely at variance with the ground taken by the Mexican Government itself, that the boundary fixed by the survey is definitive, and not to be changed. You may advert to the proposal made to this Government by Mr. Romero (in a note dated 31st May), to review the negotiation proposed in 1875 by Señor Mariscal to Mr. Fish for a convention to settle boundary disputes growing out of changes in the channel of the Bravo by declaring that no such change shall affect the actual boundary fixed by the survey, and you may observe that this Government can hardly be expected to attach much weight to that proposition if, in the first case of dispute arising, the Mexican Government is found to adopt a diametrically opposed theory. You may also find it convenient to advert to the circumstance, shown by the inclosures to my No. 550, that the Mexican owners claim the subsequent accretions to Morteritos as belonging to them, and, consequently, to the territorial jurisdiction of Mexico also, and comment on its untenable character; for even if Morteritos Island were Mexican territory, which the record of the survey shows it is not, the annexation of United States territory by accretion or by change of channel could not be recognized.

You will further point out that in this contention we have the right to deem ourselves the aggrieved party. The Mexican authorities at Mier have assumed to exercise territorial jurisdiction, not merely over the island of Morteritos, but over part of the territory of the United States which has since accidentally been joined to that island by the closing of a waterway. Our effort to assert the jurisdictional power belonging to us of right, has been resented as an unwarrantable interference and made the occasion of a complaint which proves to be baseless. Notwithstanding this, the Government of the United States promptly acceded to a request of the Mexican minister, and directed its authorities on the frontier to avoid all pretext of conflict with the Mexican authorities until the question of ownership should be amicably settled. In communicating to the Secretaries of the Treasury and of War the conclusion of this Government that Morteritos is wholly of the domain of the United States, the request that the officers of this Government in that quarter should continue to avoid forcible assumption of jurisdiction has been renewed.

Under all these circumstances, you will formally ask that the Mexican Government forthwith cease any claim to territorial jurisdiction over the island of Morteritos, and cause to be duly respected the boundary line to the south of that island, and between it and the Mexican bank, as determined by the United States and Mexican commissioners in the survey.

Upon the removal of this question from the field of debate, this Government will have pleasure in taking up and considering Señor Mariscal's original proposal, now revived by Señor Romero, for negotiating a formal convention in settlement of like disputes in future.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 258.

Mr. Davis to Mr. Morgan.

No. 629.] DEPARTMENT OF STATE,
Washington, August 8, 1884.

SIR: I herewith transmit for your files, as promised in the Department's instruction to you, No. 609, of the 11th ultimo, a copy of the note* of Mr. Romero, the minister of Mexico here, of the 12th June, presenting the claim of his Government to certain islands in the Rio Grande, near Roma, Tex.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 259.

Mr. Morgan to Mr. Frelinghuysen.

No. 880.] LEGATION OF THE UNITED STATES.
Mexico, August 12, 1884. (Received August 25.)

SIR: I have to acknowledge the receipt of your dispatch, No. 609, July 11, 1884, in regard to a dispute concerning the legitimate jurisdiction over certain islands in the Rio Grande near Roma, Tex., and in which I was instructed, to "formally ask that the Mexican Government forthwith cease any claim to territorial jurisdiction over the islands of Morteritos, and cause to be duly respected the boundary line to the south of that island and between it and the Mexican bank, as determined by the United States and Mexican commissioners in the survey."

I was unable to obtain an interview with Señor Fernandez until the 31st ultimo.

I then informed him that, as he was aware, a question had lately arisen between our respective Governments concerning the legitimate jurisdiction over certain islands in the Rio Grande (Rio Bravo) near Roma, Tex., and the principal contention, and the one to which I would at present confine myself, was the island of "Morteritos," the Mexican Government claiming that that island with its accretions belongs to Mexico, while the United States contends that the island, or what was the island, forms part of the territory of the United States.

I said that the boundary commissioners appointed under the treaty of Guadalupe Hidalgo placed this island within the jurisdiction of the United States, and that it having been joined by accretion to the north bank of the river, Mexico claimed not only the island but the accretion referred to, and that the Mexican authorities at Mier had assumed to exercise a jurisdiction not merely over the island but over that part of the territory of the United States which has since been accidentally joined to that island (Morteritos) by the closing of a waterway.

I further said that the efforts of the United States to assert jurisdictional power belonging to them of right has been resented as an unwarrantable interference and made the occasion of a complaint by Mexico which proves to be baseless. Notwithstanding this, however, the Government of the United States promptly acceded to a request of

*For inclosure see document No. 265 *post*.

the Mexican minister at Washington, and directed its authorities on the frontier to avoid all pretext of conflict with the Mexican authorities until the question of ownership should be amicably settled, and that even now in communicating to the Secretaries of the Treasury and of War the conclusion arrived at by the United States Government that the island was wholly the domain of the United States, the request had been again renewed that the officers of the Government in that quarter should continue to avoid forcible assumption of jurisdiction.

I further said that the Mexican claim to jurisdiction appeared to rest upon two grounds:

1. A scientific report of the engineer, Garfias, dated 16th April, 1880, which argues that the present deepest channel to the northward must always have been the deepest (and thereupon under the treaty of Guadalupe Hidalgo the boundary line between the two countries) in pursuance of an observed peculiarity of views by which the deepest flow of water follows the hollow of a curve in the river bed.

2. Ownership by Mexican citizens, and an agreement among said owners in March, 1874, whereby the island of Morteritos and its accretions were confirmed to them under the authority of Mexico.

I informed Señor Fernandez that the second of these points must be dismissed from consideration, as the Government of the United States did not admit the right of owners of land to transfer under color of any judicial agreement whatever the territorial domain over their estates to the jurisdiction and sovereignty of the nation to whom such individuals owe allegiance.

I then said that this reduced the question to one of simple fact, namely, the ascertainment of the boundary channel fixed by the commissioners under the treaty of Guadalupe Hidalgo. This, I said, as I had remarked before, was done by the said commissioners, they having placed the island, at the time of the survey, within the jurisdiction of the United States.

I informed Señor Fernandez that I had been instructed to formally ask that his Government forthwith cease any claim to territorial jurisdiction over the island of Morteritos, and cause to be duly respected the boundary line to the south of that island and between it and the Mexican bank, as determined by the United States and Mexican commissioners in the survey.

I said to Señor Fernandez that on the 31st May last Señor Romero, the Mexican minister at Washington, had proposed to you to revive the proposed negotiations made by Señor Mariscal to Mr. Fish in the year 1875 for a convention to settle boundary disputes growing out of changes in the channel of the Bravo, and declaring that no such change shall affect the actual boundary fixed by the survey.

I said that upon the removal of the question of the island of Morteritos from the field of debate I was authorized to say that the Government of the United States would have pleasure in considering Señor Mariscal's original proposition, which has lately been renewed by Señor Romero, as above stated, for negotiating a formal convention for the settlement of like disputes in future, but at the present moment, however, the Government of the United States could hardly be expected to attach much weight to that proposition if in the first case of dispute arising the Mexican Government was found to adopt a diametrically opposite course.

Señor Fernandez informed me that the question of the proprietorship of the island of Morteritos had been submitted to the proper Depart-

ment, and that as soon as he should receive a report therefrom he would inform me of the decision thereof.

I suggested to him that as the question was one of importance I would be glad to receive his reply at as early a date as possible.

Señor Fernandez requested me to transmit to him a memorandum of the interview which we had had upon the subject, which I did on the day following (August 1, 1884,), which is substantially as reported in the foregoing.

I have seen Señor Fernandez upon several occasions since the 31st ultimo, but he has said nothing to me upon the subject further than that he had received no report from the Mexican authorities with reference to the island, and I therefore deem it proper to let you see that I have complied with your instructions.

I am, &c.,

P. H. MORGAN.

No. 260.

Mr. H. H. Morgan to Mr. Frelinghuysen.

No. 896.] LEGATION OF THE UNITED STATES,
Mexico, September 4, 1884. (Received September 15.)

SIR: On the receipt of your dispatch No. 603, July 7, 1884, in regard to the case of Howard C. Walker, imprisoned at Minatitlan, charged by the Mexican authorities at that place with having stolen wood, Mr. Morgan addressed a dispatch to our consular agent at Coatzacoalcos on the 19th of July, 1884, in which he requested to be informed of the present condition of the case of Mr. Walker.

About the 20th of August last Mr. Albert Langner, consular agent of the United States at Tehuantepec and Salina Cruz, called at the legation and gave to Mr. Morgan a draft of a dispatch which he said had been given to him by Mr. Hoff, our consular agent at Coatzacoalcos, and which had been addressed to Mr. Hoff to Mr. Morgan on the 30th of July last. The original of the dispatch in question, which Mr. Hoff said had been forwarded to the legation, has never been received.

The facts connected with Mr. Walker's case, as reported by Consular Agent Hoff, appeared to Mr. Morgan to be tantamount to a denial of justice, and he therefore considered it necessary to again call the attention of the Mexican Government to the facts connected with the same and request that the necessary steps should be taken by them to obtain for Mr. Walker a trial, or in default thereof that the bond of $40,000 which had been exacted of him should be annulled and he be set at liberty.

In the note which Mr. Morgan addressed to Señor Fernandez upon the subject you will observe that he ignored the contention of the Mexican Government, as expressed in Señor Fernandez's note to him of the 28th of May, 1884 (see inclosure 4, in Mr. Morgan's No. 820, June 2, 1884), that diplomatic intervention would not be admitted in the case of Mr. Walker, as it did not appear from the register of the department for foreign affairs that Walker had been matriculated as a citizen of the United States. In this connection Mr. Morgan complied with the instructions contained in your dispatch, No. 595, June 23, 1884.

I have now to inclose a copy and translation of Señor Fernandez's reply, received to-day.

The under secretary of state in charge of the department for foreign affairs simply calls my attention to his note to Mr. Morgan of the 28th of May last, in which he informed him "that it did not appear on the register of matriculation that the said Walker was a citizen of the United States, and that this circumstance prevented my (his) accepting the ulterior official intervention of his excellency in the premises."

I am, &c.,

H. H. MORGAN.

[Inclosure 1 in No. 896.]

Mr. Morgan to Mr. Hoff.

LEGATION OF THE UNITED STATES,
Mexico, July 19, 1884.

SIR: I have to request that you inform me of the present condition of the case of Howard C. Walker, imprisoned at Minatitlan charged with having stolen wood.

I am, &c.,

P. H. MORGAN.

[Inclosure 2 in No. 896.]

Mr. Hoff to Mr. Morgan.

JULY 30, 1884.

In reply to your communication of July 19, received to day, asking the present condition of the case of Howard C. Walker, I beg to say that I consider it *desperate* for the following reasons: Howard C. Walker was placed in jail on March 19, 1883, on the accusation of José Teran of having stolen wood and shipped the same on board of Norwegian bark Circassia.

Although he has repeatedly demanded a trial of his case he has never received one, nor has any proof whatever been produced by Teran to substantiate his charges. By an order of the court the vessel was discharged during the month of March, 1883, to ascertain if any of the wood claimed by Teran was on board of said bark, and after a careful examination of the marks of every log, not one was found such as claimed by Teran.

Mr. Walker is the shipping clerk of Mr. R. H. Leetch and put the cargo on the Circassia under his order. The work was done as usual in the day time, and a receipt for the timber put on board was taken by Walker from the captain for Mr. R. H. Leetch. Walker was never notified by Teran or by the court or by any one that there was any claim against the wood, and it was not until after he had been in jail for several days that he knew the nature of the accusation against him.

As a matter of fact, the accusation is false, as was shown by the official examination of the wood above spoken of, which proved it all to be the property of Mr. Leetch, but this very fact has produced the deplorable results against which he has already protested before me (as appears by the copy of protest which I forwarded to you), for his accuser, knowing that, should the case come to trial, Walker would be cleared and he himself punished for making a false accusation against Walker: thus he has made every effort to postpone the trial. Meantime, Walker remains a prisoner under $40,000 bail, which is excessive. It was not until his health was entirely broken down and his life imperiled that any bail was accepted. Since he left the jail he has been confined to his home, and much of the time to his bed, his lungs having been so seriously affected that he is at present, and has been for some time past, suffering daily from hemorrhage of the lungs.

Under the law as administered here there seems to be no hope that a trial will be reached, for by taking advantage of the right to recuse the judges, and putting every possible obstacle in the way of the trial, the case is no nearer completion than it was sixteen months ago. Meantime, should his health improve, Mr. Walker may at any time be ordered back to jail, as bail was only admitted on the account of his ill health.

The bail is clearly excessive, as the whole wood in dispute, that is, what was claimed, is not worth more than $2,500 at the outside price, and never was.

JOSEPH D. HOFF.

[Inclosure 3 in No. 896.]

Mr. Morgan to Mr. Fernandez.

LEGATION OF THE UNITED STATES,
Mexico, August 26, 1884.

SIR: I have again to call your honor's attention to the case of Mr. Howard C. Walker, the circumstances of which are fully related in my notes to your honor of the 13th of March and 15th of May, of the present year, respectively.

Since your honor's note to me of the 15th May I have received further information concerning the condition of this unfortunate man.

He was accused, as I have heretofore informed your honor, of having stolen a number of logs of wood, which were said to have been laden on the Norwegian vessel Circassian.

The vessel was unloaded, and no timber with the marks which it was alleged Mr. Walker had stolen were found thereon.

Nevertheless he was still kept in prison. His health failing, he was released, and he remained at liberty for some months, when he was remanded to prison, where he remained another series of months, when, his health again failing him, he was released upon furnishing a bond of $40,000. I am informed that the property which he is alleged to have taken was never worth $2,500.

He has endeavored repeatedly to have his case tried, but in vain. The authorities will do nothing. He cannot leave the country if he desired to do so, because his bond would be forfeited if he did, and his friends would be forced to pay $40,000.

He has been under arrest since the 19th of March, 1883, and he has never been able to obtain a trial. This is tantamount to an absolute denial of justice. It is even worse than this in my judgment.

It is the wanton exercise of power in the authorities under whose jurisdiction he is punished for a crime which the records, as I am informed, show he was never guilty of.

On the 17th of March last your honor informed me that you had asked information upon the subject from the governor of Vera Cruz, and on the 28th of May last you informed me that that official had in his turn asked for information thereof from the superior tribunal of justice of that state, since when I have heard nothing from your department upon the subject.

I have therefore to request that your honor's Government will take the necessary steps to secure to this citizen of the United States a trial, or in default thereof that the bond exacted of him be annulled, and he be set at liberty.

I renew, &c.,

P. H. MORGAN.

[Inclosure 4 in No. 896.—Translation.]

Mr. Fernandez to Mr. H. H. Morgan.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, September 3, 1884.

MR. CHARGÉ D'AFFAIRES: I have had the honor to receive his excellency Mr. Morgan's note which he addressed to this department under date of August 26 last, referring to the case of Mr. Howard C. Walker.

In my note of the 28th of May of this year I informed Mr. Morgan that it did not appear on the register of matriculation that the said Walker was a citizen of the United States and that this circumstance prevented my accepting the ulterior official intervention of his excellency in the premises.

In calling your attention, although with regret, to my statement referred to I renew to you the assurances of my attentive consideration.

JOSÉ FERNANDEZ.

No. 261.

Mr. Frelinghuysen to Mr. H. H. Morgan.

No. 672.] DEPARTMENT OF STATE,
Washington, October 16, 1884.

SIR: I herewith transmit, for your information, in connection with recent correspondence with your legation, the inclosed copy of a note*

*For inclosure see document No. 267 *post.*

from the minister of Mexico here of the 9th instant, stating that his Government renounces its claim to the ownership of Morteritos island, so called, in the Rio Grande, near Roma, Tex.

In reply to Mr. Romero's note I have expressed the gratification which this Government felt at this decision, and added that it was only what the President and this Department had good cause to expect from the well-known high sense of justice of the Mexican Government and people.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

CORRESPONDENCE WITH THE LEGATION OF MEXICO AT WASHINGTON.

No. 262.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, May 24, 1884. (Received May 24.)

MR. SECRETARY: I have the honor to inform you that I have received a telegram from the ministry of foreign relations of the United States of Mexico, dated yesterday at the city of Mexico, in which I am informed that the commander of the United States troops in Roma, Tex., says that he has instructions from the War Department to occupy the island of Morteritosy Sabinos.

As Mexico has always had possession of that island, my Government instructs me to request that of the United States of America that matters may remain in *statu quo* until both Governments come to an agreement upon this subject.

A note from this legation, having reference to a circumstance relative to that island, was sent to your Department the 13th of March last, which was answered by you on the 8th of April following.

I avail, &c.,

M. ROMERO.

No. 263.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, June 2, 1884. (Received June 2.)

MR. SECRETARY: I have the honor to inform you that I have to-day received a note from the foreign office of the United Mexican States, dated Mexico, May 23 ultimo, in which I am informed that according to information possessed by that office the islands of Morteritos and Sabinos, referred to in my note to your Department of 24th May, belong to Mexico by reason of having remained when the dividing line between

the two countries was laid down in conformity with article 5 of the boundary treaty of the 2d of February, 1848, on the right side of the deepest channel of the river, for which reason they have since then remained in the possession of Mexico, forming a part of the municipality of Mier, in the State of Tamaulipas.

It is true that by reason of a recent change in the currents of the Rio Bravo both of those islands are now on the left bank of the greater arm and deeper channel of the river; but as, in the opinion of the Mexican Government, the dividing line between the two countries is that which was laid down by the mixed commission, which met in conformity with the treaty of February 2, 1848, there can be no doubt with respect to the legitimate ownership of those islands.

I think it unnecessary to say to you that these islands are those numbered 12 and 13, of which Maj. William H. Emory, chief of the boundary commission of the United States, speaks in his Report to the Secretary of the Interior, dated in this city July 29, 1856, page 65, volume 1.

In view of these facts, the Government of Mexico hopes that the Government of the United States will recognize the right of Mexico to those islands which is derived from an existing treaty between the two countries, and from the demarkation of the line made in conformity with the aforesaid treaty and supported by an uninterrupted possession of nearly forty years.

Accept, &c.,

M. ROMERO.

No. 265.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, June 12, 1884. (Received June 16.)

MR. SECRETARY: Referring to the notes which I addressed to your Department on the 13th of March and the 24th May last, and on the 2d instant, in reference to the islands of Morteritos and Sabinitos, in the Rio Grande, of which Mexico has been in possession for the reason that she considered them as an integral part of her territory, I have the honor to inform you that I have this day received from the department of foreign relations of Mexico various documents showing the rights of Mexico to the said islands. I inclose a copy of the principal ones of these documents and of a drawing which was sent as an inclosure to the report of Engineer Garfias, of April 19, 1880, together with an index showing their dates and giving a brief outline of their contents.

It appears from the said documents that the aforesaid islands were to remain on the right of the deepest channel of the Rio Grande, when the demarkation of limits was made according to the treaties of February 2, 1848, and December 30, 1853, belonging consequently to Mexico, according to the report of Engineer Ignacio Garfias (inclosure No. 4); that, among various changes that took place in the bed of the river owing to freshets in the year 1865, the island of Morteritos became united to another which was quite near it, but the new island remained on the right of the deepest channel of the river; that Mexicans were the owners of the island contiguous to the right bank and citizens of the United States the owners of the other, but that when both were

united all the parties interested made an agreement on the 9th of March, 1874, before the court at Mier, whereby Mexicans remained in possession of the whole island, that the island has been in the possession of Mexico since that time; judicial acts being exercised there, such as the establishment of a section of vigliance, and grain being sown by Mexican citizens; that another change which took place in the deepest channel of the Rio Grande left the island of Morteritos on the left side of the channel, and for this reason, on the 20th of January last, several armed persons from Roma, Tex., headed by W. W. Bohorman, the judge at Roma, in Starr County, Texas, invaded the island of Morteritos, destroyed several inclosures, drove out the Mexican owners, and divided their property among themselves; and that a short time before several residents of Roma had appealed to the judicial authorities of Texas, requesting them to declare that the island belonged to them by accession.

I shall not now stop to speak of the incident relative to private property on the island of Morteritos, which, as appears from the inclosed document, was declared to belong to Doña Guadalupe Garcia, according to the decision of the supreme court of justice of Mexico, dated October 24, 1836, because in this note I am simply endeavoring to demonstrate its nationality, that is to say, that it forms a part of the territory of Mexico.

Without prejudice to the subsequent transmission to you of the report of the engineer who has been sent by the Government of Mexico to the Rio Grande to make a study of this subject on the spot, together with such other data as I may hereafter receive from my Government, I have the honor to inform you that the department of foreign relations of the United States of Mexico has informed me, by a note bearing date of the 28th of May last, that—

In the inclosed documents there are irrefutable and full data, showing unmistakably the right of eminent domain of Mexico to the island of Morteritos, among them the survey and the sounding made by our consul at Rio Grande City, the agreement made by the inhabitants of the two countries before the court at Mier with regard to the possession of the land on the island, the report of Engineer Garfias, and the fact that a section of vigilance was established on the island without any attempt having hitherto been made by the Government of the United States to exercise jurisdiction on that island or to interfere with that of the Mexican authorities.

In view of these considerations, the Government of Mexico instructs me "to request that of the United States to issue the necessary orders to the end that the free action of the Mexican authorities on that island may not be obstructed."

Be pleased to accept, &c.,

M. ROMERO.

[Inclosure 1.—Translation.]

Mr. Almaraz to minister of foreign relations.

CONSULATE OF THE REPUBLIC AT RIO GRANDE CITY,
Rio Grande City, December 26, 1879.

Desiring to comply, to the best of my ability, with the instructions which you were pleased to communicate to me by your note No. 7, dated the 9th of August last, directing me to prepare a report upon the true situation, and other circumstances of an island in the Rio Grande which is used as a place of refuge for smugglers, according to the statement of the chief of the customs, section of Camargo, I have the honor to inform you that I have been to visit the aforesaid island, and to measure myself the depth of the two branches of the river which form it.

The island is, indeed, very near to the town of Roma, opposite to the American rancheria called Los Saenz on one side, and on the other being opposite to the Mexican ranches called Guardado and El Morterito, which is about 2,500 meters in length, and about 200 in width in its broadest part, and owing to its situation is really very favorable to smuggling operations.

I measured the depth of each channel of the river fourteen times in different places of its longitudinal extent, and obtained the following results, which show the differences in depth.

Sounding of the northern channel, American side: 1 m., 16; 1 m., 24; 1 m., 47; 1 m., 51; 1 m., 72; 1 m., 78; 2 m., 35; 2 m., 70.

Sounding of the channel on the Mexican side: 0 m., 71; 0 m., 89; 0 m., 96; 1 m., .05; 1 m., 32; 1 m., 40; 1 m., 52.

This latter channel, according to information, sometimes becomes dry, while the other always has water. From all this it appears that the deeper of the two channels of the Rio Grande, which form the island, is the one on the north, and according to the fifth article of the treaty of friendship and limits of 1848, and article 1 of the treaty of Mesilla, that the island is to be considered as a part of our national territory. As to the history of the island, I have gathered the following data:

The Rio Grande was formerly divided at the island into three divisions or channels, one of them being central and following the original direction of the river, and two being lateral and separated, one towards the north and the other towards the south, after which they again met, leaving between them two strips of land, one of which was considered American and the other as Mexican soil, their owners belonging to the two nationalities.

In the year 1865 there was a large freshet in the Rio Grande which caused various changes in its current, among which was that the two strips of land in again becoming united formed the present island. I myself have seen marks of the former division of the island, which was still very apparent, and I have passed through the former channel of the river. When the two parts of the island became united their various owners privately agreed to own, in equal parts, that which had recently been formed. They soon disagreed, however, and had recourse to the law and terminated their dispute by means of the written agreement which was authenticated before the court at Mier.

I had not asked the court at Mier for any information with regard to the truth of this, because I did not know whether such a proceeding on my part would be approved. I think, moreover, that if such a document is necessary, it will be obtained more readily by your department.

I must inform you, in conclusion, that I was accompanied during my examination of the island by the chief of the customs section of Camargo and by Don Juan Villareal, a respectable person, who is the judge of the civil register at Camargo and likewise judge of the supreme court of the state of Tamaulipas, and that we proceeded with the utmost discretion, preferring to make our journey on the Mexican side, although it was thereby rendered longer and more difficult.

I renew to you the assurances of my most respectful consideration.

JOSÉ M. ALMARAZ.

CAYETANO ROMERO, *Secretary.*

[Inclosure 2.—Translation.]

DEPARTMENT OF STATE AND OF THE TREASURY AND PUBLIC CREDIT, SECTION 1.

Mexico, February 4, 1880.

Under date of the 18th of January last the maritime and frontier custom-house at Matamoros wrote to this department as follows: The chief officer of the customs-section at Camargo, by a communication numbered 192, and dated the 31st of December last, wrote to this custom-house as follows: I have the honor to inform you that during the month just closing nothing worthy of special remark has occurred in the section under my charge. Although diligent efforts have been made to punish smugglers, especially in the district lying west of this city, it has not been possible to arrest any of them, because, as I said in my last report, those who convey their goods to the interior via Roma take a westerly direction from Mier, having abandoned their old route of Arroyo de San Antonio and the Aldamas ranch, and making their exit near Villa de Parras, or they wait until the last part of the month, and then avail themselves of the absence of the dragoons who come to be reviewed. With the consent of the commanding officer of the federal force, which is under my control, I ordered that the party should not return this month, hoping that some of the smugglers who avail themselves of this temporary absence might thus be captured.

Of the result of my efforts I will inform the custom-house under your charge. At the request of the Mexican consul at Rio Grande City (who desired that we should go together to the little island that is nearly opposite Roma, to which I referred in my communication of June 14, No. 266), I went, in company with him, on the 24th instant, for the purpose of making an examination. The said island measures nearly 3 kilometers from east to west, and about 200 meters in its widest part; the narrowest channel, which is on the Mexican side, is 1 meter and 52 centimeters deep in its deepest part. We took more than twenty soundings, and found a depth of 71 centimeters—89, 96, 105, 132, and 152.

According to the statements made by the people at Morteritos ranch, which is situated on the right bank of the river, it has but little water, which is not the case in the north channel; and this is understood, because we found in more than twenty soundings, which were taken in its entire length, from the western extremity of the islet to the eastern, the following depths: 1 meter 16 centimeters, 1.24, 1.47, 1.57, 1.72, 1.78, 2.35, and 2.70; the difference between the greatest depths in the two channels being 1 meter and 18 centimeters, and that between the smallest depths 45 centimeters. The island is jointly owned by residents of both sides of the river, there being two boats on the Texan side and two on the Mexican side, which are engaged in carrying passengers either to the opposite bank of the river or to the islet, which, as stated in my report, which report occasioned the examination by the consul, "favors the operations of smugglers, who can leave Roma, go to the islet, and wait there until the coast is clear." I have the honor to transmit to you the foregoing (although your department has probably received some communication on the subject from the consul of Mexico at Rio Grande City), in order that, as regards the joint occupation of the island by Mexico and the United States, you may be pleased to adopt such a decision as may be proper, and to inform this department thereof.

TORO.

To the Chief Clerk in charge of the Department of Foreign Relations, present.

A copy.

CAYETANO ROMERO,
Secretary.

WASHINGTON, *June* 12, 1884.

[Inclosure 3.—Translation.]

THIRD CONSTITUTIONAL COURT AT MIER FOR 1874 AND 1875.

In the city of Mier, on the 9th day of the month of March, 1874, the citizens Luciano Muñoz, Cesareo de los Santos, Florentino Lopez, Serafio Muñoz, having met together, both in their own behalf and as representatives of their brothers, Simon Treviño in his own behalf, and as the representative of his brothers, Vicente Vela, Wenceslao Martinez, Octaviano Longoria, the three last named representing their wives and Rafael Garcia, some of them being residents of Roma, Tex., and others of this city; also Francisco Canales, representing his wife, Sabás Saldaña, in his own behalf, and representing Jorge Garza, his brother Juan de la Garza for his wife, and representing the children of the late Antonio Garza and Rafael Peña Garza, as representatives of their mother, Doña Plácida Garza, all of this place, for the purpose of deliberating with reference to a compromise for the final settlement of the dispute which had grown out of freshets in the river near the island of Morteritos, which adjoins land belonging to the former. These proposed to settle the difficulties, so far as they were concerned, if a piece of land was sold to them, whose dimensions and price were to be fixed by agreement, and when the said proposal had been accepted by the heirs of the island of Morteritos, they agreed that the latter should sell to the former a piece of land that, being adjacent to that of the latter and to the right side of Morteritos, should be, both on the river's bank and on the side which borders upon land belonging to the Pēñas, 135 paces in length, and of the following width: to extend from the place where the river touches Brazo de Texas to where it touches the land belonging to the Pēñas on the line given by both parties, for the sum of $80, by means of a bill of sale which they would give extra-judicially for all legal effects, thus terminating the dispute wholly and forever; that the permanent lines in the present agreement shall be fixed by common consent by both parties interested, drawing them with a line of stakes in order to avoid disputes in future; that if any lawsuit or misunderstanding shall arise hereafter, the Messrs. Muñoz and associates shall help in proportion to the accretions received by them (caused by the freshets), to defray the expeuses and costs occasioned to the Messrs. Pēñas; that after the present agreement has been signed by all the parties, it shall be judicially authenticated and placed on file, and for its fulfillment they pledge their property, both present and future.

And in testimony that they will so fulfill it, they cause this document to be drawn up in the place and at the time aforementioned, signing it together with Messrs. Ambrosio Gonzales and Porfirio Zamora as assisting witnesses.

LUCIANO MUÑOZ.
Representing my father, CESAREO DE LOS SANTOS.
NARCISO DE LOS SANTOS.
FLORENTINO LOPEZ,
For himself and representing his brothers.
SIMON TREVIÑO.
VICENTE VELA.
OCTAVIANO LONGORIA.
WENCESLAO MARTINEZ.
FRANCISCO CANALES.
SABÁS SALDAÑA.
MANUEL GARZA.
RAFAEL P. GARZA.
P. ZAMORA.
AMBROSIO GONZALES.

THIRD CONSTITUTIONAL COURT AT MIER, *March* 14, 1874.

On this day appeared before this court the citizens Francisco Canales and Octaviane Longoria, both in their own behalf and as representatives of their co-heirs, who signed the foregoing agreement, requesting that, in order that the said agreement might have greater force and validity, it might be authenticated by this court and filed among its other public documents.

And I, the judge, complying with the request of the aforesaid Messrs. Longoria and Canales, lend the sanction of my authority and judicial decree to the end that the foregoing agreement be considered as a public instrument, and I order the original thereof to be filed among the public instruments as requested by the parties, and that a copy or copies thereof (as they may desire) be furnished to them. And in testimony hereof I issue this document.

Refugio Garza, third constitutional alcalde, *pro tem.*, of this city, signing it with my assisting witnesses, with whom I act, according to law. I certify Cástulo Perez assistng; Ramon Hinajosa. Charges, not iincluding cost of paper, $4. A copy of the original which is in the city of Mier, as I certify on this 24th day of March, 1880. Tomas Ramirez Ramirez, third constitutional alcalde, *pro tem.*, of this city, and the assisting witnesses.

I certify.

TOMAS R. RAMIREZ,
Assisting.
ADOLFO GARCIA,
Assisting.
RAMON HINOJOSA,

A copy.

CAYETANO ROMERO,
Secretary.

WASHINGTON, *June* 12, 1884.

[Inclosure 4.—Translation.]

MEXICAN REPUBLIC. MINISTRY OF PUBLIC WORKS, COLONIZATION, INDUSTRY, AND COMMERCE, MEXICO. SECTION 3.

Mr. Ignacio Garfias writes to this department, under date of the 16th instant:

"On my return to this capital, after having acquitted myself of the commissions which you have been pleased to honor me with, it is now my duty to report to you the result of each of them.

"Beginning in chronological order, I occupied myself with the reconnoitering of the Rio Bravo del Norte, in that part of it which is occupied by the islands near Roma. According to the tenor of the communication of your department, and of the articles of the treaty of Guadalupe, signed with the Government of the United States of the North on the 2d of February, 1848, relative thereto, the point to be ascertained is whether, in conformity with this treaty, the islands are national territory or belong to the neighboring country.

"The text of the fifth article of the treaty is: 'The dividing line between the two Republics shall begin,' &c. 'It shall run in the middle of said river, following the deepest part of the channel; where there is more than one channel,' &c. 'The divid-

ing line that is established by this article shall be religiously respected by each one of the two Republics, and no variation shall ever be made to it,' &c.

"In view of these clear and definite clauses it was necessary to determine not only the actual state of the channels, but also the state in which they were, according to the system of the river and the maps relative thereto, at the time of the drawing of the limits.

"It is not, in fact, the line as it exists at any period that the boundary commission recognized as the limit. In view of the constant necessity of applying the articles of the treaty to all the cases that may require them, they have been led to create a doctrine that may be expressed in the following words:

"The original nationality (that which existed at the time of the drawing of the limits) is conceded to all portions of land that have, owing to some variation in the basin of the river, passed subsequently from one bank to the other of the river, and only in cases of criminal jurisdiction is it admitted that the authorities of each country can extend their action to those portions of territory that have remained on the bank that belongs to them, though the nationality of those lands may be different for the apprehension of delinquents of their respective countries. It has been observed, in fact, in the first cases that occurred after the change of embankment that the original nationality being recognized and not meeting any natural obstacle, criminals would take refuge there pending the formal request of extradition to arrest them. This interfered with the prompt course of the tribunals, and to obviate these difficulties the doctrine was established, which remains in force on all the frontier and is religiously observed by all the authorities of both sides of the river. There are many cases that prove the strict observance of this tacit convention. Among others I shall mention one of the most notable. When the American military encampment of Santa Maria was established on the bank of the river a change in the basin took place on the right side, leaving on the left a considerable extent of land, though between this land and the encampment there has been since then no obstacle that would interfere with a free access, and it has formed since then an integral portion of American territory at one of its military posts. As this is simply a fact caused by a case of *vis major*, the right of Mexico has continued to be respected, and the owners of this land continued to pay their taxes in Mexico, and are subject in everything to our laws. Many other similar cases are met with on both banks of the river, and in all of them the same practice is observed, at least so far as the State of Tamaulipas is concerned.

"In view of these facts and conformably to what the treaty establishes in this respect, that no variation shall be recognized, but that the limit shall remain *always* the one marked out by the river at the time of the drawing of the line, I thought it necessary not to limit myself to determining the actual state of the basin, but to deduce the locality of the deepest channel at the time the plans of the dividing line were drawn, taking as data the form of the river as it is found in those plans, and studying and determining its character at different points from its mouth to the one in question. As is known, in every river the channel is formed on the concave side of the curves, the accretions of soil being formed on the convex side. In the different rivers that I have studied, the surveys of which may be consulted in the archives of your department, there is not one single case that is not conformable to this rule. It is so generally recognized in all the localities where the proximity of a river allows this observation to be made, even by its most ignorant inhabitants, that they, in their characteristic language, use an aphorism as exact as it is expressive—"*Huye de la playa y cargase al barranco*" ("Avoid the playa and load up at the barranco"). They call, in fact, *playa* those banks formed by the deposit which the waters abandon at low tide, and *barranco* the accessible part of the dikes that the shock of the currents is constantly undermining, determining there the greatest depth. Now, then, as well by observation as by the commonest rules of natural philosophy, one knows that the shock of the currents is on the concave part of the curves, the waters, in fact, following the direction affected by the dikes that hold them, when this direction is interrupted by a curve. What happens in reality is that any obstacle interposing itself so as to prevent the waters from following the line drawn for them by the basin, they do not change their direction unless obliged by that obstacle, the shock between them producing the consequent breakings of the ground. On the contrary, the waters, following the direction of the tangent of the curves, remain in relative tranquility all along the convex side, the deposit of all the bodies of greater density dragged along by the current being produced there. In a few cases fact and theory conform as well. It can be established as indisputable that the channel of a river is always on the concave side of the curves, and one can deduce from this principle what the deepest channel was at the time of the drawing of the limits, taking as data the form given to the river in the respective plans.

"Before the bifurcation of the river that formed the little island of Sabinitas the convexity was on the Mexican side; this detail leaves no doubt respecting the place of the deepest channel at the time of the bifurcation of the river. There is, however, the circumstance that all the great curve (in which the little island is comprised, as

well as the American town called Roma) holds the concave part on the left side and the convex on the right, leaving the coast on Mexican soil. It is clear that the channel must have remained all along the left bank, leaving the little island on the right. In corroboration of that, which theory forces us to deduce, there is the fact that there exist breakers at the mouth of the channel on the right, formed by solid ground (pebbly conglomeration) that since its origin has prevented all traffic through the right channel. It is therefore evident that the only practicable channel has always been the one on the left, this being consequently the frontier one, and for the same reason the little island belongs to Mexican territory. As is seen by the plan that I annex, the change that has occurred in the basin up to date is reduced to the enlargement of the channel on the left in the bifurcation, this having marked more prominently the dike in that part, and verifying still more with this fact the doctrine affirmed.

"The soundings that were made had no result, and I would have omitted them if at the time I could have foreseen the existence of the breakers; however, the order and direction in which the plans were drawn were such that the said breakers could not be reached till after the taking of the soundings of the sections marked in the plan. In the little island of Morteritos, nevertheless, the concavity affected by the basin is more marked in the left dike, which proves, refuting anterior arguments, that the deepest channel has always been the left one. If one compares the original plans with the one I forward it will be seen that the change that took place consisted in having produced an accumulation of earth toward the right in such quantity that the central channel that formed two little islands has disappeared, leaving a single island, and in which the waters have broken the western extremity of the islet, leaving a small part to the left, which gives to the channel of the same side a much more direct access.

"The ground accumulated toward the right of the convex side and the formation of a new basin on the concave side proves the exactness of the principle established. To determine the actual state, a survey was made in a longitudinal direction, sounding the channel and determining the deepest points; then were taken the transversal sections. As is seen by figures Nos. 5 and 6, relating thereto, the south channel obtains a maximum depth of 2 meters, and the north channel reaches 2 meters and 90 centimeters, without having, besides, any sand bank that prevents or interferes with navigation, being, on the contrary, more uniform in its depth than the one to the right. The statement shows in the clearest manner that the two islets to which I have referred occupy the right border of the deepest channel of the river in its actual state, and that they must have been in equal condition at the time of the drawing of the limits, as both science and experience demonstrate.

"This much for the technical part; let us see now what tradition and use can show us in this respect. Before the drawing of the dividing line the two islands were indiscriminately used by the inhabitants of both banks of the river; those of the right made a more frequent use of them because access was easier to them, owing to the fact of its drying up at low water, and being much less deep at high tide, they could cross the channel dry footed in the first case, and seldom deemed it worth while to take a boat in the second. Since the tracing of the limits Mexican citizens exclusively have made use of the two islands. In the island of Sabinita there has been up to date no efforts to attempt to interrupt this custom; in that of Morteritos the residents of the American side have attempted to go over to the islet to take wood. However this has been the object of immediate reclamation, the result being that the abuse has been almost entirely corrected, and only during the night and stealthily have they returned to renew the attempts; on the contrary, in the two islands, there are farms sown by the rancheros of the Mexican side. This custom and quiet possession have never been disputed by any one. All of them had knowledge of my mission they accompanied me in my operations, and were truly astonished that the Government had thought it necessary to examine on whose side was the right to the islets when there has not been the slightest motive for questioning it, at least in the locality itself. There is the peculiarity that both islets are uncultivated and that notwithstanding the fact that no one's ownership is acknowledged, by prior or tacit agreement the sowing of the one is respected, while the others confine themselves to taking fire-wood or lumber, the trade in which is the principal industry of San Pedro."

It is really satisfactory to be able to quote these facts, which are the most definite corroboration of my deductions, and conclusively clear up the question given to be solved. By order of the President of the Republic I have the honor to transcribe to you the foregoing for your information, and as a result of your dispatch relative thereto, dated 11th of July of the past year.

Liberty and constitution.

Mexico, April 19, 1880.

M. FERNANDEZ,
Chief Clerk.

To the *Secretary of Foreign Relations, present.*

A true copy.

CAYETANO ROMERO,
Secretary.

WASHINGTON, *June* 12, 1884.

[Inclosure 5.—Translation.]

DEPARTMENT OF STATE AND OF FOREIGN RELATIONS,
Mexico, April 26, 1880.

The chief clerk in charge of the department of public works writes as follows:

"CITIZEN IGNACIO GARFIAS: I have the honor to transmit it to you for your information, and of result of your communication of the 8th (?), of 1879, stating that in view of the scientific report of Engineer Garfias, inclosed in this communication, and of the one sent by the consul of Mexico in Rio Grande City, which I had the honor to inclose in my dispatch of the 7th of February last, that the islands of Sabinito and Morteritos, situated near Roma, Tex., belong entirely to the territory of the Republic."

RUELLAS.

To the *Secretary of State and of the Department of the Treasury.*

A true copy.

CAYETANO ROMERO,
Secretary.

WASHINGTON, D. C., *June* 12, 1884.

[Inclosure 6.—Translation.]

DEPARTMENT OF STATE AND MINISTRY OF THE TREASURY AND PUBLIC CREDIT,
Mexico, June 10, 1880.

In view of the contents of your communication of the 26th of April last, in which you transcribe the one you sent to the department of public works, inserting the report presented by Engineer I. Garfias, relative to an islet that is found in the Rio Bravo, near Roma, Tex., the President of the Republic has been pleased to order that a section of two members of the police force of Camargo shall be established on said islet for the purpose of preventing the contraband trade that is there carried on through that islet.

I have the honor to transmit it to you for your knowledge, as a result of your communication relative thereto.

TORO.

To the *Secretary of Foreign Relations, present.*

A true copy.

CAYETANO ROMERO,
Secretary.

WASHINGTON, D. C., *June* 12, 1884.

[Inclosure 7.—Translation.]

Transcribed telegram, dated 23d instant, accompanying copy of statements received by the authorities of Ciudad Mier, on account of the invasion of Mexican territory by American citizens, begging that necessary measures be taken to prevent such a flagrant violation of the treaties.

MEXICAN REPUBLIC, GOVERNMENT OF THE STATE OF TAMAULIPAS,
Victoria, February 23, 1884.

Under date of the 23d I said to you by telegram the following:

"Texans headed by W. W. Bohrman and O. W. Brewerton invaded and took possession of the island of Morteritos in the Rio Bravo, despoiling and expeling Mexican citizens who own it, residents of the city of Mier. Said island belongs to Mexican territory because it remained on the right of the largest arm and the deepest channel at the fixing of the limits of the two nations. Please inform the President of what has occurred in order that he may take the necessary measures. By mail I send detailed information."

In fulfillment of the preceding message I have the honor to send you a copy of all the statements received from the authorities of Mier City, in order that the President

of the Republic may be informed through them, and that he may dictate the measures that are in his power to prevent this invasion of national territory in flagrant violation of the treaties.

JUAN GÓHAN.

MARIANO A. LLORENTE,
Secretary.

To the *Secretary of Relations (Foreign), Mexico.*

A true copy.

CAYETANO ROMERO,
Secretary.

WASHINGTON, D. C., *June* 12, 1884.

[Inclosure 8.—Translation.]

DEPARTMENT OF THE GOVERNMENT OF TAMAULIPAS,
PRESIDENCY OF THE REPUBLICAN MUNICIPALITY,
City of Mier, February 15, 1884.

As the Government will acquaint itself by the inclosures that I have the honor to annex, a party of fifty men, coming from the State of Texas, and headed by W. W. Bohrman and O. W. Brewerton, took possession, on the 20th day of January last, of the island of Morteritos, in the Rio Bravo del Norte, an island in the possession of its owners, residents of this city, and appertaining to the territory of Mexico on account of its having remained on the right of the larger arm and deepest channel of the Rio at the fixing of the limits of the two nations by the treaties of 1848 and 1854, that established as the dividing line between the two Republics at the parallel of the 31° 47′ latitude north, the deepest channel of the river where there was more than one channel, as it was at that time.

The invaders on taking possession of said island drove away with threats the owners who were found sowing the ground. They cut down and carried off timber, they scattered over the island, destroying the fences and buildings that were there, made by the owners, residents of this city. A recent change made in the channel of the Rio by the swelling of the waters has given occasion for the event, because, owing to this change in the basin, the island of Morteritos, that was, at the date of the treaties of limits on the right of the larger arm and deepest channel of the Rio Grande, has now remained on the left of it.

The political authorities here were informed of the event by Don Manual Garza Peña, resident of this place and one of the owners of the island that were driven away from it by those that invaded it. I instituted an inquiry on the situation of said island of Morteritos, the result of which was that by the declarations of Don Francisco Flores Gonzales, commissioned colonel of cavalry, native and resident of this city, seventy-eight years of age; Don Anastasio Barrera, land-holder and resident, sixty-eight years old; Don Juan Sabas Flores, land-owner, native, and resident of this city, seventy years old; Don Pedro Barrera, land-holder, resident of this city, fifty-one years old; Don José Nazario Rodriguez, land-owner, native and resident of this city, sixty years old, and Don José Maria Garza Peña, land-owner, native and resident of this city, fifty-two years old, all personally known to the undersigned, president of this republican council, and all persons that, for their age, capacity, instruction, probity, the independence of their means, and their personal antecedents, have always deserved faith and credence, having no direct or indirect interest in said island of Morteritos; the result, I repeat, of which was that by the declarations of these individuals, "the said island has always belonged to Mexico and been under the jurisdiction of Mier, the heirs of Don Francisco Garcia possessing it by ownership, one of whom is Don Manuel Garza Peña, already referred to; that though there has recently been a change in the deepest channel of the river, before this the largest arm of the same, and its deepest channel have always been on the side of Texas, so much so that the steamer during the war with the United States used to pass through it, and a long time after."

In view of these declarations, and besides because it is notorious that said island has always been recognized by all, both authorities and inhabitants of both banks of the river, as Mexican territory and an integral part of the municipality of Mier in the State of Tamaulipas, to which municipality and State it has always paid the taxes there established, as the owners can prove by their receipts, I ordered the administrator of justice of the demarkation of Guardado, in which the said island is placed, to verify the facts as they were stated by Don Manuel Garza Peña.

In view thereof, there being no in Starr County, Texas, whence the invaders came (*i. e.*, W. W. Bohrman, justice of the peace of the town of Roma, and O. W.

Brewerton, the surveyor of that county, and residents of the same, who accompanied them), I addressed to the county judge of Starr County the letter of which a copy is given, in reply to which I received a letter from that judge, of which I inclose a copy in order that the Government may be informed of the event, which is of great importance to the integrity of our territory, if left as a precedent uncared for by the authorities, because other events of the same nature will follow, and in view of the accompanying documents, may take suitable measures in the case, addressing the supreme Government, I hasten to inform it of all that is stated in this communication and copies annexed, hoping to receive the determination reached on this subject, observing that the invaders have had recourse to the tribunals of Texas, begging that the land of said island of Morteritos should be declared to have been acquired by right of accession by the owners of the land on the left bank of the Rio Bravo del Norte.

C. G. GARCIA.

AMBROSIA GONZALEZ,
Secretary.

Citizen Governor of the State, Victoria City.

A copy.

CAYETANO ROMERO,
Secretary.

WASHINGTON, D. C., *June* 12, 1884.

[Inclosure 9.—Translation.]

PRESIDENCY OF THE REPUBLICAN MUNICIPALITY OF MIER,
Mier, January 29, 1884.

Don Manuel Garza Peña presented himself and stated that a crowd of about fifty individuals, residents of and coming from Texas, headed by the judge of the peace of Roma, W. W. Bohrman, and by the surveyor, O. W. Brewerton, on the 20th instant, invaded the Mexican territory and committed acts of spoliation in the island of Morteritos, which is Mexican territory, included in this jurisdiction, and belongs to individuals, residents of this municipality. The complainant adds that they broke the fences, cut down timber, and threatened the servants of the owners that they met there with assault if they remained on the island. As this occurence, if it really took place, is of such gravity that it requires that the authorities proceed with the greatest thoroughness and rapidity to verify and apply a speedy remedy, as soon as you receive this communication, you will proceed to verify the facts and report in writing immediately that which is proper; and I advise you that the complainant states that Messrs. Don Felipe Muñoz, Don Francisco Guerra, Don Anastasio Medina, and Don José Maria Gonzalez were witnesses to the invasion, and Don Cipriano Perez, José Maria Gonzalez, Matias Guzman and Merced Garcia to the destruction of fences and carrying off and cutting down of timber, and that among the individuals those known are Antonio Escobar, Prudencio Escobar, Jesus Saenz, Ramon Escobar, Santos Escobar, Tomas Saens, Juan Saens, Eugenio Ibanez, Timoteo Garza, Carlos Garza, and Justo Salinos, all residents of Texas, except Eugenio Ibanez, who is an inhabitant of this city.

C. G. GARCIA.

AMBROSIA GONZALEZ,
Secretary.

Citizen Administrator of Justice for Upper Guardado.

I certify that this is a copy of the original.

C. G. GARCIA.

AMBROSIA GONZALEZ,
Secretary.

A copy.

CAYETANO ROMERO,
Secretary.

WASHINGTON, D. C., *June* 12, 1884.

[Inclosure 10.—Translation.]

MUNICIPALITY OF THE CITY OF MIER,
OFFICE OF THE CHIEF JUSTICE OF GUARDADO, REPUBLICAN COUNCIL,
Upper Guardado, January 29, 1884.

I have received your communication in which you order me to proceed to investi gate the facts about the island of Morteritos, and in fulfillment of your order of to day I went to the Ranch of Morteritos to make suitable investigations, and proceeded

in the following way: I summoned the parties who had witnessed the destruction of timber in the island to meet and present themselves before me, and took the depositions of citizens Cipriano Perez, José Maria Gonzalez, Matias Guzman and Merced Garcia. I went afterwards in company with two of the number and the interested party to the island for more information concerning the facts. I met with destruction of timber of all kinds, beside what the individuals were able to carry away, because one can see the havoc which they committed, destroying inclosures and breaking the fence in four places, the first place occupying 4 paces; the second, 11; the third, 3; and the fourth, 5, to which I give testimony. After this I went to Rancho Nuevo in company with one, an interested party, to inquire for Félipe Muñoz, Francisco Guerra, and Anastasio Medina, and found them ready to testify as to the invasion; of all of which I advise you for your guidance and consequent purposes.

MANUEL G. GARCIA.

I certify that this is a copy of the original.

C. G. GARCIA.

AMBROSIA GONZALEZ,
Secretary.

A copy.

CAYETANO ROMERO,
Secretary.

WASHINGTON. D. C., *June* 12, 1884.

[Inclosure 11.—Translation.]

MEXICO, *March* 12, 1884.

With your communication of the 23d of February last, copies were received in this department of the statements referring to the invasion of the island called Morteritos belonging to the national territory, by individuals from Texas.

To enable this department to take the necessary steps, I beg you to inform me, with the least delay possible, whether the change in the currents of the Rio Bravo, owing to which the said island has remained on the left side of the largest arm and the deepest channel of said river, was effected in a slow manner during the course of time, or whether this change was sudden and violent, determining in a little while the present situation of the above-mentioned island.

You will please, for the further illustration of the point in debate, annex to the required information a sketch showing with due precision the present position of the island of Morteritos and its previous one.

FERNANDEZ.

To the *Governor of the State of Tamaulipas, Victoria City.*

A copy.

CAYETANO ROMERO.
Secretary.

WASHINGTON, D. C., *June* 12, 1884.

[Inclosure 12.—Translation.]

DEPARTMENT OF STATE AND OF THE TREASURY, AND PUBLIC CREDIT,
Mexico, February 29, 1884.

By a telegram dated yesterday the collector of customs of Mier sends the following message to this department:

"I have received information of the existence of contraband dealings in foreign horses and cattle on lands in the island of Morteritos; however, as it is situated in the Rio Bravo, I have consulted the president of council as to whether it was Mexican territory, and he informed me that it had always been considered as belonging to this jurisdiction; that, however, in consequence of the late freshets, the course of the river had been changed, and the nationality of it is now being argued before the American courts, a circumstance which has made me hesitate in coming to a decision, begging you to tell me what I must do. It is also proper for me to inform you that a few days ago American custom-house guards, by order of the collector, seized some Mexican cattle on said land, and insisted on security from the owner pending the decision of the courts. I hope to hear promptly by telegram what you decide."

I have the honor to transcribe this to you, begging you to tell me with all the speed the case requires, whether the island alluded to is part of the national territory, and

whether the Mexican authorities exercise jurisdiction over it, so that in view of this information this department may adopt the necessary measures respecting the fiscal service.

PEÑA.

To the *Secretary of Foreign Relations, present.*

A copy.

CAYETANO ROMERO,
Secretary.

WASHINGTON, D. C., *June* 12, 1884.

[Inclosure 13.—Translation.]

MEXICO, *May* 21, 1884.

The governor of the State of Tamaulipas informed this department, by a communication of the 23d of February last, that several individuals from Texas, headed by W. W. Bohrman and O. W. Brewerton, invaded the island of Morteritos, in the Rio Bravo, and took possession of it, dislodging from the same the Mexican citizens who possessed it, who were residents of Mier City.

From the investigation made by the council of this city of Mier and from the statements and inclosures, copies of which were sent to the governor, it appears that the invasion took place on the 20th of January of this year; that the island, which was inhabited by residents of Mier, has always been considered as an integral part of the territory of Mexico, being on the right of the largest arm and the deepest channel of the Bravo at the fixing of the limits of these two nations by the treaties of 1848 and 1854, which established as the dividing line as far as the parallel of 31° 47′ north latitude the deepest channel of the river, where it had more than one channel, as it had at this point, and that by a recent change made in the channel by the freshets in the Bravo, the island referred to has remained on the left of the largest arm of the deepest channel of the said river.

In order to adopt suitable measures, this department asked information from the governor of Tamaulipas, relative to the change in the currents of the Rio Bravo, owing to which the island aforesaid has remained on the left bank of the largest arm of the deepest channel of said river, whether it occurred in a slow manner in the course of time, or whether the change was sudden and violent, determining in a short time the present situation of the said island.

I also asked said functionary to join to his report, for the better illustration of the point, a sketch in which could be seen with due precision the present position of the island and the one it held before.

The above-mentioned governor has answered by a communication of the 7th of the current month, inclosing a letter sent to him by the president of the council of the city of Mier, in which he says it is impossible to comply with the request of this department, for want of an engineer to make the required sketch. In view of the importance of this matter, and for the purpose of adopting suitable measures, I beg you to name an engineer that could go in person to examine the disputed spot, in order to present to this department the information and sketch requested from the governor of Tamaulipas.

To the *Secretary of Public Works.*

FERNANDEZ.

A copy.

CAYETANO ROMERO,
Secretary.

WASHINGTON, D. C., *June* 12, 1884.

[Inclosure 14.—Telgram.—Translation.]

Sent from Mier May 17, 1884. *Received in Mexico on the* 18*th.*

Major Offley, commanding at Fort Ringgold, Rio Grande City, Tex., called at this consulate to-day to make me an official visit, informing me that he had received

orders from the Government at Washington to take possession of the island of Morteritos, the supreme Government of the United States considering it as the property and the territory of that country.

The consul,

JOSÉ M. QUINOÑES.

A copy.

CAYETANO ROMERO,
Secretary.

WASHINGTON, D. C., *June* 12, 1884.

[Inclosure 15.—Translation.]

DEPARTMENT OF STATE AND OF FOREIGN AFFAIRS,
MEXICO, POLITICAL DEPARTMENT,
Mexico, May 23, 1884.

I have received your telegram of the 17th instant, referring to the visit that was made to you by the commander of Fort Ringgold, to notify you of the order which he has received from the Government at Washington to take possession of the island of Morteritos. In answer, I inform you that our legation at Washington has already been properly instructed respecting the matter.

I renew to you my highest consideration.

FERNANDEZ.

To the *Consul of Mexico, at Roma, Tex.*

A copy.

CAYETANO ROMERO,
Secretary.

WASHINGTON, *June* 12, 1884.

No. 266.

Mr. Frelinghuysen to Mr. Romero.

DEPARTMENT OF STATE,
Washington, July 10, 1884.

SIR: Your notes of the 13th of March, 24th of May, and 2d and 12th of June of the present year, have presented the question of the disputed ownership of two islands in the Rio Bravo, near Roma, Tex. This question has received the careful consideration due to its importance, and I have now the honor to acquaint you with the reply of this Government to the representations made on behalf of that of Mexico, and especially to the detailed case presented with your note of 12th June.

The two islands, as you state, are known in Spanish as Morteritos and Sabinitos, and in your note of the 2d of June it is assumed that they are the islands designated as Nos. 12 and 13 at the time of the original survey.

This is, however, incorrect of Sabinitos Island, which appears in the maps of the original survey made by the boundary commission in 1853 as No. 14, and is therein credited to Mexico. As the papers submitted by you show no question of importance affecting the island of Sabinitos (No. 14) it may be laid aside for the present.

The question seems to be confined to the island known as Morteritos, which appears in the charts of the boundary commission as Beaver Island, No. 13.

This island was formerly the most southerly and the larger of two pod-shaped islands lying in a bend of the river near the Texan town of Roma. The channel, never at any time navigable, which formerly separated the two islands is now dry, and the channel to the northward of

the twin island so formed is the widest, and at the present time the deepest of the two arms of the river.

The Mexican claim to jurisdiction rests briefly on the following bases:

1. A scientific report of the engineer, Garfias, dated 16th April, 1880, which argues that the present deepest channel to the northward must always have been the deepest (and therefore under the treaty of Guadalupe Hidalgo the boundary line between the two countries), in pursuance of an observed peculiarity of rivers by which the deepest flow of water follows the hollow of a curve in the river bed.

2. Ownership by Mexican citizens, and an agreement among said owners, in March, 1874, whereby the island of Morteritos and its accretions were confirmed to them under the authority of Mexico.

The second of these points is to be dismissed forthwith from consideration, for this Government does not admit, nor if the case were reversed is it to be supposed that the Mexican Government would admit, the right of alien owners of land to transfer, under color of any judicial agreement whatsoever, the territorial domain over their estates to the jurisdiction and sovereignty of the nation to whom such individuals owe allegiance. This position is, moreover, wholly opposed to the contention of the Mexican Government itself, that the territorial jurisdictions established on behalf of the respective parties to the treaty of Guadalupe-Hidalgo remain forever as originally fixed under that compact, and are not to be affected by any abrupt changes in the course of the river Bravo.

This reduces the question to one of simple fact, namely, the ascertainment of the boundary channel fixed by the commissioners under the treaty of Guadalupe-Hidalgo.

To the end of ascertaining that fact, an examination of the original records and charts of the commissioner of survey has been made by Brig. Gen. W. H. Emory, of the United States Army, under whose supervision, as commissioner on the part of the United States, the original survey and determination of the boundary was effected.

That officer, under date of the 19th ultimo, reports as follows:

* * * By reference to original notes and maps in State Department, I find Islands Nos. 12 and 14 were assigned to Mexico, and 14, I believe to be Island Sabinos [Sabinitos] referred to by Señor Romero.

Island No. 13 was assigned to the United States. It is no doubt the island called by Señor Romero Morteritos, and by me Beaver Island. I say of that island, in my report, that "the waters of the Rio Grande are divided at that point into three parts, and the channel that lies nearest to the Mexican shore is so narrow that steamers can with difficulty pass through it, yet the branches, by reason of their shallowness, are wholly impassable for them. An attempt was made by the Mexican local authorities to arrest a steamboat in its passage through the narrow channel, but the actual experience of the navigator proved it to be the true channel and consequently the boundary between the two countries.

It was further agreed between the commissioners that in case the channel changed, the right of navigation should remain unimpaired to both countries, but the jurisdiction of the land should remain as we had arranged.

So far as the question of territorial jurisdiction in the event of a change in the channel is concerned, the agreement of the commissioner remains merely an expression of opinion, which, however valuable as an enunciation of a theoretical principle, has not been confirmed as between the two Governments. That of Mexico has, however, on various occasions, put forth this principle as its own, and a proposal has been made through your predecessor, Señor Mariscal, and through you, to negotiate a formal conventional agreement on that basis in settlement of disputes touching the true river boundary under the treaty of Guadalupe Hidalgo. That proposal is now under attentive consideration.

As to the original ownership of the two islands known by the United States commission as Beaver Islands, being the island known to your Government as Morteritos, and the smaller island lying parallel with Morteritos, and to the north of it, there can be no doubt that they were by the survey assigned to the United States.

Against the actual record of the commission (the original charts of which you have been afforded an opportunity of inspecting in person in company with General Emory) the speculative and scientific report of Engineer Garfias and his survey and soundings, made seventeen years after the original official determination of the boundary channel, can have no weight whatever, being based on an evidently changed condition of things, whereby the old middle water-course between the two islands has disappeared, and the most northerly of the three channels has been deflected and deepened in the process of time.

This Government must deny the implication conveyed in your note of June 12, and its accompaniments, that the United States have tacitly acquiesced in the jurisdictional rights from time to time assumed by the Mexican local authorities over the territory covered by the islands in question. No case in point has arisen to call the attention of this Government to the question. The owners of the land were Mexican citizens, as it appears, and their acquiescence in the Mexican claims of jurisdiction over their land, although natural under the circumstances, was wholly devoid of any confirmatory power as against the rights of the United States under the treaty. It was not until very recently, when the action of the Mexican authorities of Mier developed a wholly untenable claim to jurisdiction over a broad tract of low-lying land on the United States bank of the river, which land it was pretended had at some time become united with one of the islands through the filling up of the water-way between them, that a case calling for investigation and action was presented, involving also, as it does, the question of the true ownership of the island claimed to have been enlarged by the accretion of United States territory. The rights of the United States in the premises remained, perhaps, dormant, but without laches on their part, and, on the issue being revived, those rights revive, too, in all their force.

Touching the reference in your note to the statement found on page 65 of the Report of the Boundary Survey, that "Islands Nos. 12 and 13, between Ringgold Barracks and Roma, both fall to the United States," it should be here stated that the report is erroneous, through a typographical mistake. The original charts and notes show that Island No. 12 is a small island, named "Green Key Island" on the charts, situated in an abrupt bend of the river, about half way between Fort Ringgold and Morteritos Island. Island No. 13, as already shown, comprises the twin Beaver Islands, whereof the larger and more southerly was called by the Mexicans Morteritos. The island known to both parties as Sabinitos (or Sabinos) is marked No. 14 on the chart, and lies a short distance above Roma.

In conclusion, I have the honor to inform you, in answer to your several notes, that the facts and record of the case warrant and demand that the Government of the United States shall regard its territorial jurisdiction over the island of Morteritos, otherwise Beaver Island (No. 13), as established by the boundary commission under the treaty of Guadalupe Hidalgo, and, consequently, that the Mexican pretension to that island and to accretions thereto from the left or United States bank of the Rio Grande shall be denied.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 267.

Mr. Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, October 9, 1884. (Received October 10.)

MR. SECRETARY: I have the honor to inform you that I received in due time and transmitted to my Government your note of the 10th July last, in reply to those which I addressed to the Department on the 13th of March and the 24th of the preceding May, and the 2d and 12th of June, with respect to the question raised touching the ownership of the islands of Morteritos and Sabinitos, situated in the Rio Bravo.

You were pleased to state in the aforesaid note that the island of Sabinitos appeared marked as No. 14 in the maps of the original survey made by the boundary commission in 1853, and that it remained on the Mexican side, for which reason there can be no doubt thereto, and with respect to the island of Morteritos or Beaver Island or Island No. 13, you state:

> That the facts and record of the case warrant and demand that the Government of the United States shall regard its territorial jurisdiction over the island of Morteritos, otherwise Beaver Island (No. 13), as established by the boundary commission under the treaty of Guadalupe Hidalgo.

To the end that the Mexican Government might better examine the bases presented by you in order to reach the conclusions which you expressed, I solicited, together with General Emory, permission to examine the original maps of the mixed boundary commission which exist in the Department of State, since I could not here consult the copies existing in Mexico.

There appeared to be an evident confusion in the name of Island No. 13, and it did not clearly appear whether it was or was not the island of Morteritos.

A careful examination on this subject having been made by my Government, the President has decided not to insist upon the rights of Mexico over the island of Morteritos in the supposition that it is Island No. 13, or Beaver Island.

The bases of this decision rest upon the stipulations of the fifth article of the treaty of Guadalupe Hidalgo of February 2, 1848, that the dividing line between our two countries from the Gulf of Mexico to Paso del Norte should be the center of the Rio Grande, and that where this river had more than one channel the line should follow the deepest. This circumstance being borne in mind by the boundary commission in laying down the line, the channel which lay to the south of Island No. 13, or Morteritos, or Beaver Island, left this island upon the side of the United States.

As this is the basis presented by the Government of the United States to defend its rights to that island, it thus recognizes that the limit between the two Republics are those fixed by the treaty of Guadalupe Hidalgo, such as were laid down by the mixed commission, without having been altered by the changes occasioned by the current of the river, whether in its margins or the deepest of its channels.

It is very satisfactory to me to see that in this important point there is an uniformity of views and principles between our two Governments.

I cannot end this note without calling your attention to the good faith and justice of the Government of Mexico in the present case, since instead of leaving this matter pending, or proposing that it should be decided by the treaty which it has submitted for the consideration of the United States, it has acted with loyalty in recognizing their rights without reserve.

Be pleased, &c.,

M. ROMERO.

No. 268.

Mr. Frelinghuysen to Mr. Romero.

DEPARTMENT OF STATE,
Washington, October 16, 1884.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, wherein you report that the Government of Mexico renounces its claim to the ownership of certain islands in the Rio Grande, lately the subject of correspondence with your legation, and to say that the decision of your Government respecting the island of Morteritos, so called, was only what the President and this Department had good cause to expect from the well-known high sense of justice which characterizes the Mexican Government and people.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 269.

Mr. Cayetano Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, D. C., November 21, 1884. (Received November 24.)

MR. SECRETARY: As the Government of Mexico desires to correct the impression which might be produced by the tenor of the note which your Department kindly transmitted to Mr. Romero on the 16th October last, in answer to one from the latter gentleman of the 9th of the same month, communicating the decision of the President of the United States of Mexico in the matter of the island of Morteritos, in which note mention is made of the renunciation of the claim to certain islands in the channel of the Rio Bravo, I have been instructed to inform you, as I have the honor of now doing, that the Government of Mexico has not renounced its claim to the ownership of certain islands, but has merely admitted, in view of the information transmitted to it in the matter by this legation, and of the official decision of the Department of Public Works, that it has no right to the island of Morteritos.

I have, &c.,

CAYETANO ROMERO.

No. 270.

Mr. Frelinghuysen to Mr. Cayetano Romero.

DEPARTMENT OF STATE,
Washington, December 4, 1884.

SIR: I have the honor to acknowledge the receipt of your note of the 21st ultimo, in which you take exception to an expression in my note of the 16th of October last, and say that the Government of Mexico has not relinquished jurisdiction over "certain islands" in the Rio Grande, but over "Morteritos" simply.

The original claim of Mexico, as you well know, was to the possession of Morteritos and Sabinitos islands, so-called, numbered respectively 12 and 13, in the Rio Grande. An examination of the charts showed that these two names never had any existence in fact, but that they had been improperly applied to Beaver Islands, twin islands in that river, which had been awarded to the United States by the commission of 1848. The expression "certain islands" had reference to the original claim. The examination, it is true, further establishes that an island, Sabinos, belonged to Mexico, but this was neither numbered 12 nor 13 on the charts, and from its location it seems improbable that it should have been confounded with Sabinitos. Sabinos was, consequently, never in dispute.

I need not assure you that the United States has no wish to claim anything beyond that which properly belongs to it, and that the phrase "certain islands," while used in the sense I have explained, may be understood as without prejudice to any possible rights attaching to Mexico. If such cases exist, the recently signed treaty of November 12, 1884, for a more definite determination of our common boundary line, will, when completed by ratification, exchange, and proclamation, afford bases for a final adjustment of the question involved.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 271.

Mr. Cayetano Romero to Mr. Frelinghuysen.

[Translation.]

LEGATION OF MEXICO IN THE UNITED STATES,
Washington, December 5, 1884. (Received December 8.)

MR. SECRETARY: I have had the honor to receive your esteemed note, dated yesterday, in answer to the one I sent you by direction of the ministry of foreign relations of Mexico on the 21st of November ultimo, for the purpose of calling the attention of your Department to the meaning of an expression contained in the communication sent by you to Señor Romero on the 16th of October last, in respect to the renunciation of certain islands in the Rio Grande on the part of Mexico.

You are pleased to show me that said expression refers to the original claim made by Mexico in the case, and that meant the islands of Morteritos and Sabinitos, in the belief that these were those marked in the plans of the boundary commission of 1853 with the Nos. 12 and 13;

however, that the examination of said plans show that these numbers did not in reality exist; that they were improperly given, and that reference was made to the Castor Islands (Beaver Islands), twin islands that were assigned to the United States by the commission of 1848; that since then it was discovered that the island of Sabinos belonged to Mexico; that, however, the latter was neither No. 12 nor 13 that appear in the said plans, and it was not probable that it could have been mistaken on account of its position for that of Sabinitos.

You add that you believe it unnecessary to assure me that the United States have no desire to claim anything but what belongs to them properly, and that the expression, the sense of which you are pleased to explain, must be understood as in no way injuring the rights that Mexico may have in the case; that besides, if such rights exist, the treaty signed on the 12th of November, 1884, for a better demarkation of the dividing line between the two countries will regulate, as soon as it is ratified, exchanged, and promulgated, the bases for the final settlement of similar questions.

On acknowledging your answer, which I have the honor to do, I shall transmit your said note to the ministry of foreign relations of Mexico for its knowledge. I must assure you that I am certain that the Government of Mexico has not the slightest idea of wounding in any manner the susceptibility of the Government of the United States in this affair, and that its only purpose was to make it appear that the resolution taken in the case, founded on the acknowledgment that it had no right on the island of Morteritos, referred to this one alone; also that the Castor one (Beaver, as the United States calls it) is formed of two little islands which have always been considered as one, and is, besides, the only one in dispute.

As regards the island of Sabinitos, in speaking of it this legation has always had reference to Sabinos, which appears on said plans marked with number 14 and belonging to Mexico, and your Department as well as General Emory have given it indiscriminately the one or the other name.

I avail, &c.,

CAYETANO ROMERO.

PERSIA.

No. 272.

Mr. Benjamin to Mr. Frelinghuysen.

[Extract.]

No. 57.] LEGATION OF THE UNITED STATES,
Teheran, February 15, 1884. (Received March 29.)

SIR: I have the honor to report that my attention was called officially to a repetition of the outrages at Hamadan in November. * * * Anxious to obtain official evidence as to the cases, and also to satisfy myself that our citizens at Hamadan had conducted themselves with discretion, I felt it my duty to dispatch our dragoman, Mr. Keün, to Hámadan. He went on the 18th January, and returned on the 12th instant. * * * His conduct at Hamadan was vigorous and effective, and

merits the commendation of the Department. But the story of what occurred there, together with all the evidence he obtained, forms a long narrative, which is not yet complete. As soon as matters are brought to a successful termination I shall report these transactions in full. In the mean time I beg to submit to the Department the accompanying letter and petition, forwarded to me by our citizens at Hamadan.

* * * * * * *

I have, &c.,

S. G. W. BENJAMIN.

[Inclosure in No. 57.]

Mr. Hawkes and Mr. Alexander to Mr. Benjamin.

HAMADAN, *February* 1, 1884.

We, the undersigned, declare that from the time we came to Hamadan the authorities thereof have been continually troubling us by unjustifiably arresting, ill-treating, and fining our servants and employés, by fining people who rent us their houses, by violently preventing the Jews and Armenians from sending their children to school, by inciting people against us, by preventing, or trying to prevent, carpenters, blacksmiths, and others from working for us, and by doing all that could be done, openly and secretly, to oblige us to leave this city.

JAS. W. HAWKES,
E. W. ALEXANDER.

No. 273.

Mr. Benjamin to Mr. Frelinghuysen.

[Extract.]

No. 73.] LEGATION OF THE UNITED STATES,
Teheran, June 25, 1884. (Received August 9.)

SIR: I have the honor to report that on the 12th of June I was riding out to the country from Teheran in a carriage, on the way to the summer quarters of the legation. I was accompanied by my daughter. According to the custom of the country, the carriage was preceded by two outriders. The other legations on such an occasion take four to eight outriders, a matter of necessity as well as of display in Persia. As we approached a half-way coffee-house I observed a line of carriages waiting by the roadside in the shade. As it is very common for several vehicles to be seen standing there, while the occupants are taking a smoke, I had no idea that any precaution needed to be taken. I was greatly surprised, therefore, to see a troop of mounted cavalry rush out from the shade of the trees and make a violent attack on my outriders, who immediately cried out several times that the United States minister was in the carriage, and had the right of way. I now recognized the soldiers to belong to the royal guard, and immediately after perceived that the wives of the Shah were in the carriages. Although having officially the absolute right to pass, allowed to none except ministers and their families, at risk of immediate death to all others, I ordered my driver to stop, in order to give an officer opportunity to come to the carriage to apologize for the attack and escort us safely through the

guards stationed in front and rear of the royal harem. But as no attention seemed to be paid to this, I ordered my men to keep on, thus throwing the responsibility of any results on the guards, who, not satisfied with beating the outriders with the flat of their swords, swarmed around the carriage itself with loud cries and flourishing their weapons. The lieutenant of the troop seized the carriage horses, others struck and thrust at the horses, and two even struck the driver himself. Fortunately the man was alike skillful and intrepid, and succeeded both in controlling the horses and driving us safely out of a disagreeable *melée* that at one moment threatened serious results. The number of men attacking was about twenty. It is proper to add that when the chief lady of the harem saw what was going on she dispatched a eunuch to escort us through the lines, but he did not arrive until the attack was nearly ended. All my men and horses were more or less bruised, and one of the men had his arm nearly broken. They all behaved well. * * *

On the same evening I sent a note to the minister of foreign affairs, demanding the prompt chastisement of the offenders, leaving it to the Persian Government to suggest out of its friendship such further redress as the occasion required.

There being some delay in replying to my note, I sent our dragoman, Mr. Keün, to the minister of foreign affairs. After quite an extended interview, the minister replied, "Tell your minister he shall hear from me to-morrow. I am anxious that he should be convinced of our good will, and I give you my word you shall be entirely satisfied by sunset to-morrow that I am sincere in these expressions."

At 11 a. m. the following day, accordingly, the sanieh-ed-dowleh, a prominent member of the cabinet, was announced. Coming at once to the point, he stated that he had been personally deputed by the Shah to express the royal regret, and to say authoritatively that our demands should receive immediate attention.

In the afternoon of the same day I received an apologetic note from the minister of foreign affairs. In accordance with a request at the end of the note, our moonchee went to the foreign office next morning, and was there directed to take my driver and outriders and proceed at once to Sultanalabâd, the summer place where the Shah is staying at present. On arriving there the moonchee was confronted with the royal guards, and the men who had been most forward in the attack on my carriage, including their lieutenant, were recognized by my men. A grand chamberlain of the palace then ordered the punishment of the men, and they were accordingly punished. I think we could not ask further proof of the friendliness of the Shah toward the United States than the important fact that he ordered a number of the royal guards to be punished at the instance of a foreign legation.

In the afternoon of the same day the captain of the company came to the legation and apologized in a graceful and thoroughly satisfactory manner for the hasty and unwarranted action of the guards.

Two days later I called on the minister of foreign affairs and thanked him for the satisfactory manner in which the affair had terminated, and, later, I acknowledged his note in a note intended to reach the eye of the Shah, who, I have reason to know, as soon as he fully appreciated the gravity of the occasion, was willing, if possible, to anticipate our demands.

I have, &c.,

S. G. W. BENJAMIN.

No. 274.

Mr. Benjamin to Mr. Frelinghuysen.

[Extract.]

No. 82.] LEGATION OF THE UNITED STATES,
Teheran, August 19, 1884. (Received October 6.)

SIR: * * * In 1875–'76 the United States citizens [at Hamadan] were solicited by the Armenian community to aid them in their sufferings caused by the famine. The missionaries accordingly advanced 250 tomans, equal to some $410. As guarantee for the money, the missionaries received possession of an old Armenian church. The papers stipulated that the church should be practically the property of the missionaries, who needed a church but encountered difficulties in building a special structure. It was further stipulated that if any of the community, including the signers of the papers for the Armenians, at any time raised objections to this arrangement they should pay back the loan with compound interest at 10 per cent. before regaining possession of the church.

In November of 1883, however, the Armenians seized the church without either giving previous notice or offering to pay the money, carrying off also the chairs placed in it by the missionaries. Soon after this the two school buildings rented by the United States citizens were violently seized by the authorities, the locks forced off the doors, and the doors fastened with an official seal.

On receiving formal notice of these outrages I decided to send Mr. Keün, our dragoman, to Hamadan. Mr. Keün prevailed upon the authorities to punish some of the offenders against the personal security of our citizens, and caused the schools to be reopened. He also obtained the names of the chief offenders in the seizure of the church and important testimony towards the repayment of the money.

But some weeks after Mr. Keün's return, the authorities again forcibly closed and sealed the doors of the schools.

I then brought the matter to the attention of the present minister of foreign affairs. I represented to him that by the terms of our treaty the United States have the rights of the most favored nations; that according to the treaty of Turkomantchai no city or authority in Persia has a right to prejudge the United States citizens or take the law into their own hands in case of complaint, real or imaginary; and that not the slightest excuse now existed for doing so since the establishment of a United States legation in Persia, to which complaints could be brought in regular form, and through its mediation cases settled according to the modes prescribed by the treaty. I showed his excellency that not only had the authorities at Hamadan entirely ignored our treaty rights in prejudging and punishing our citizens without bringing their complaints to the foreign office and this legation, but they had also been guilty of a very grave offense in seizing and holding American property contrary to the treaty of Turkomantchai.

The nasr-ul-mulk, after considerable discussion, frankly acknowledged the force of the argument and signified that he would exert himself to give us redress and teach the people and authorities of Hamadan to respect our treaty rights. He was as good as his word, and immediately sent very stringent orders to Hamadan to cease further meddling with our citizens, to restore the property, and in future report all com-

plaints to Teheran instead of judging our citizens without the presence of a delegate from this legation.

After further negotiations, the Shah, being weary of the annoyances at Hamadan and the evident purpose of the authorities to obstruct his wishes towards a harmonious adjustment of the business, finally declared himself in a manner so emphatic that all opposition was, at least for the time, effectually checked. The minister of foreign affairs was ordered to send a commissioner to Hamadan without further delay, to obtain the redress we demanded and to enjoin the local authorities to have a care how they ventured again to disobey the directions and wishes of the foreign office or annoyed the United States citizens. Before leaving, the commissioner was sent to this legation to explain to me his instructions, and asked for a letter of introduction from me to our citizens. The results of the commissioner's efforts at Hamadan justified our expectations that the Government of Persia is sincere in its expressions of friendship and its intention to afford all the protection in its power to peaceable citizens residing in its territory.

Administering a very severe reprimand to the authorities, the commissioner presented his orders, and commanded the school buildings from which our citizens had been ejected to be opened and returned without delay. After this he called the offending Armenians before him, who had seized the church, and made them understand that they could no longer expect to be protected from the results of their lawless proceedings, but that they must pay the 250 tomans cash down or proceed at their own expense to Teheran for trial. Our citizens having waived their demand for the interest, wisely as I think, under the circumstances, the principal was paid, after much demur. Our citizens gave a quit-claim receipt, acknowledging themselves satisfied. On learning of this, I sent a telegram to the Department, considering the results as indicating the satisfactory character of our relations with the Persian Government at present.

I think it reasonable to consider that a valuable precedent has finally been established here in our favor, tending to increase our influence and make it easier to secure our treaty rights in the future.

I have, &c.,

S. G. W. BENJAMIN.

PERU.

No. 275.

Mr. Phelps to Mr. Frelinghuysen.

No. 51.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 9, 1884. (Received February 4.)

SIR: Little change has occurred since my last report upon the situation.

It appears to be settled that Caceres is determined to maintain his position and pretensions, in consequence of which Iglesias' officials cannot assume authority beyond those places accessible to, and under threat of visitation by, Chilian troops, an occurrence not at all relished by Peruvian communities.

The rainy season upon the eastern side of the Cordillera gives Caceres security from serious attack by the enemy, while apart from them he would be more than a match anywhere for Iglesias' troops.

On the 13th instant elections for deputies are to begin and may extend at each of the polls over a period of twelve days. So far the civil party proper seems disposed not to take part, but it is understood General Iglesias is urging some of the leaders to become Government candidates, and all well-wishers of the country may hope he will be successful. Such men are needed in the Government, and the adhesion of very few would have a wide influence.

Chilian forces continue to occupy the vicinity of Lima, Arequipa, Puno, and the line of the Aroya (Transandino) Railway to the frontier of Junian, and while, by declaration, at peace with the established Government of Peru, exercise most of the powers of actual warfare and are waging war with Caceres on the other side of the mountains. The Government of Iglesias is a *de facto* one over the larger part of the country, is seemingly accepted by a respectable proportion of the people, and yet behind it and over it is always seen the shadow of the protecting arms of Chili. The position is peculiar and full of embarrassing questions.

Caceres is reported to have exercised remarkable influence over the most savage of the Indian tribes and to have put an end to their disorders within the extent of country under his control. Iglesias has still to contend with Puga and other like petty chiefs in the north. Reports of their complete overthrow are constantly made and as frequently they reappear upon the scene.

I am told it is the purpose of General Iglesias to have twelve thousand troops under arms by the 1st March, the date fixed for the meeting of the assembly, probably for the purpose of maintaining himself if elected president *pro tempore*. But I would do him the justice to say that he will submit himself entirely to the assembly. His officials and followers will send most of the delegates, and elections will not be the subject of minute inquiries.

How the Government is supported is to me quite a mystery, but many of its expenses remain unpaid.

I have, &c., S. L. PHELPS.

No. 276.

Mr. Phelps to Mr. Frelinghuysen.

No. 53.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 23, 1884. (Received February 26.)

SIR: Having occasion for an interview with Mr. Larrabure, minister of foreign relations of General Iglesias' Government, concerning certain decrees affecting the railway interests of certain Americans, resident and non-resident, the minister seized the occasion to speak about the recognition of the Government by the United States. He said it appeared to him perfectly clear that it is the Government *de facto* of Peru, being supreme over a large part of the territory; that a dispatch from the British Government indicated satisfaction with the existing condition of the Government of General Iglesias, and that it would be recognized on the assembling of the national assembly; that he thought it strange that the United States should, being an elder brother in the family of re-

publics, abstain from recognition until the example had been set by England and European nations. I said to him, your remarks call for a very frank reply; that the President, in his message to our Congress, had defined the conditions on which his recognition would depend, and that, as yet, it did not appear that the people of Peru had very generally recognized Mr. Iglesias; that it had been hoped that the people of Cuzco, and of other central and southern provinces and departments, would spontaneously proclaim this Government; that Cuzco, after two months, had finally received a prefect, as there was reason to believe, only because of fear of visitation by the Chilian troops camped about Arequipa and Puno; that Ayacucho, Huancavelica, Apurimac, and other departments and provinces had not yet submitted to General Iglesias; that Chilian forces perfectly dominated Puno, Arequipa, Moquegua, Lima and Callao, and Junin, being encamped near at hand, and in the latter were actually engaged in hostilities; that Caxamarca in the north, General Iglesias' home, is actually in possession of Puga, who, although reported as routed, it was now known had defeated the Government forces under command of General Iglesias' brother, sent against him; that Caceres, whose strength as against the Government is great, had refused to submit, and, in short, that the feeling generally existed amongst Peruvians that General Iglesias is maintained by the presence of the Chilian soldiery about the great center of the country. That I had great desire to view the matter otherwise must be apparent to him, because, apart from the disagreeable feature of incomplete official relations, I appreciated the courage and patriotism that had been so conspicuous in the course which the general had adopted in treating for peace, and which captured alike our sympathies and respect.

I shall seek an occasion for a more full conversation with him, and may think it advisable to report by telegraph.

There is little doubt that recognition would give prestige to the Government in the view of its own people and remove some, if not many, of its difficulties. In common with the opinion of most Peruvians and of all resident foreigners, I cannot consider the power of General Iglesias sufficient to sustain him after the departure of the Chilian army.

An editorial, cut from the Commercio of this morning, the most able paper in Peru, touches upon some of the points referred to in the communication, and I inclosed it without translation, being unable to make one in time for this steamer. You will observe that it opens with reference to the incomplete character of the late elections, because of the opposing chiefs in the northern and central provinces, and is adverse to the proposition to await the assembling of the Congress until those chiefs could be put down. It presents a picture of the condition of Peru very disheartening. The idea has at times pressed upon me that it might be a judicious and humane action on the part of the United States to lend the support of their recognition to General Iglesias, but I am confronted now with statements that not one-fifth of the population has taken part in the election of deputies to the Congress, and that there cannot be said to have been a contest, except in a limited sense, between the Pierolistes and the Government candidates. A few of the civilistes have taken part, and here the names of some have been used as candidates against their published remonstrance. Little interest has been evinced in Lima, and the proportion of men voting is variously estimated at one-fourth to one-seventh of the voting population. The attitude of the people is in some sense one of protest against the Government as well as the peace, while all alike are intensely anxious for peace.

I have, &c., S. L. PHELPS.

No. 277.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 55.] LEGATION OF THE UNITED STATES,
Lima, Peru, January 23, 1884. (Received February 26.)

SIR: I have the honor to inclose herewith a published copy of General Caceres' letter to General Iglesias, in reply to one of his, a copy of which I sent you, appealing to Caceres to submit to this Government.

* * * * * * *

The country had erected Caceres into a sort of hero, being the only one about whom the nation could throw any of the halo of military glory or of patriotic persistence in the defense of the country. Had he come here at any time in the past few months, he would have been received with a grand ovation. In the absence of the Chilian troops, he could have come triumphant to Lima without firing a shot.

This letter shapes out no line of policy, enters into no details of resources and means of resistance, offers nothing around which the country might rally in the hope of forcing better terms from an unrelenting foe.

I have, &c.,

S. L. PHELPS.

[Inclosure in No. 55.]

General Caceres to General Iglesias.

[El Brin Publico, Lima, January 17, 1884.—Translation.]

AYACUCHO, *December* 29, 1883.

SEÑOR GENERAL: I have the honor to acknowledge receipt of your esteemed favor of the present month, the contents of which had been made known to me through publications of the Lima press.

In replying to it I shall endeavor to avoid, as far as possible, the hateful field of recrimination to which usually tend endeavors to harmonize ideas and sentiments touching the grand international contest in which the Republic is engaged. Thus, perhaps, I may not altogether avoid certain expressions which, from poverty of language, will awaken and wound susceptibilities.

I perfectly understand that peace is the first necessity of the people, but this once broken I also comprehend that a state of war does not justify every means to re-establish peace.

Although you flatter yourself with having realized your noble purpose of pacifying the country to the satisfaction of the national patriotism, I either deceive myself or fear that the treaty of peace made with Chili, the conditions of which are yet unknown to me, may be, in the disguise of a decorous arrangement, the text of an ominous law imposed by an implacable and haughty victor upon the vanquished, who, on bended knee, implored his clemency.

Amongst the reasons prompting disconsolate views is the conviction that Chili, blinded by sordid avarice for territorial aggrandizement, far from modifying her onerous demands, will sustain them unaltered, if not augmented, flattered by the grand spectacle offered her of a government owing its establishment exclusively to the ignominious work of her bayonets, and which does not dispose to forgetfulness of its ignoble origin, destroying the obligations, and purposes you gained by dint of perseverance and self-denial.

Such is the sad way in which the force of logic compels us to view the course of events.

But, be this as it may, in order to give a categorical answer to the call which you have seen fit to extend to me in your letter, it is necessary to make me acquainted with the conditions of the treaty made with Chili. Should these conform to what self-respect and the well-understood interests of the Republic require, believe me, general, I shall hasten to offer, in good faith, the modest contingent of my services

and to share with you the arduous and glorious task of saving the country, for I shall then secure the satisfaction of my most vehement desires and I shall have attained the object which I have incessantly pursued in four years of bloody contest; but, on the other hand, nothing can make me renounce the convictions and well-settled purposes with which I have been inspired by the line of conduct followed step by step, and with no ambitious personal views, in the long course of the war, without taking into account the dangers and difficulties of the contest, for there is no sacrifice that I am not ready to make for the service of my country, it being better to perish in the endeavor rather than to see one's self humiliated under the yoke of an ignominious peace.

In this thorny path I am accompanied with an unyielding faith and perseverance by the self-denying people under my jurisdiction, who are full of the convictions I here express, since, should fate be adverse, defrauding our efforts of the hoped for success, we shall at least not appear, in the eyes of posterity, unworthy of the cause we profess and defend. Meanwhile, I shall endeavor to keep alive the torch of faith and patriotic enthusiasm, preserving by this means unalterable in the bosoms of the brave people who sustain the beautiful banner of resistance, under whose shadow alone can now take shelter those social guarantees which would soon be overthrown by the whirlwind of popular sentiment, violently opposed in what it holds most sacred, the love of country.

Your obedient servant,

ANDRES A. CACERES.

No. 278.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No 58.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 11, 1884. (Received March 6.)

SIR: It has become an unpleasant duty to report acts committed, or proposed to be done, by the Iglesias Government, affecting interests of Americans, of a grave and unusual character, and for the better understanding of the possible reach of these earlier measures of the Government, it is necessary to enter into considerable detail.

It will be known to you that the late Henry Meiggs entered into a series of contracts with the Government of Peru for railway construction upon a gigantic scale, his contracts in hand at one time aggregating $132,000,000, with the result that Americans became largely interested in the railways of the country. The Peruvian Government was unable to meet its contracts, resulting in a number of the chief railways of the country coming into the management of Americans, engineers and others, under contract for the administration and completion of the lines, the roads generally to revert to the exclusive use and benefit of Peru, upon fulfillment by it of specified conditions. The two most important roads of the country are so managed, while others, in the north and elsewhere, are in the control of Americans under contracts with the Government direct, or with the original contractors. The present difficulties have arisen in instances involving both classes of contracts.

General Iglesias arrived here with but little money, and has been since in receipt of small revenues, while the credit of his Government has not been sufficient to secure loans. His officials have been unable to pay transportation bills, and no payments have been made except by sea, so that railway proprietors have been carrying without compensation and with no very flattering prospects for future payment. The exactions, requirements, and requisitions for services have not appeared less urgent or less in amount because of the inability to pay.

The first of the present difficulties to which I refer relates to an American company operating the transandine railway, from Callao and

Lima, over the mountains to the Oroya River and to the mines of Cerro del Pasco. The contract with the Government involves the completion of the road from Chicla, near the mountain summit, to the Oroya, the road to Cerro del Pasco, and the mining tunnel to drain the mines, of which fabulous accounts have come down to us from the past. The company is known as the "Compania de la Oroya y Minerales de Pasco." The original company contracted to construct the roads, &c., and provisionally to manage them. It was to have extensive mining rights, and was an association of foreigners organized under Peruvian laws. Its contract with the Government was modified in the year 1880, with power to transfer all its rights to any person or persons, company or companies, foreign or Peruvian, in order to facilitate procuring capital to complete the work, the main road, as before stated, being completed only to Chicla, at an altitude of over 12,000 feet. This right was exercised and the transfer made to an American organization, the new company retaining the old name.

When the dictator, Pierola, was making his strenuous efforts for the defense of Lima, and Callao was blockaded by the Chilians, the dependence of Lima for a time was upon the little port of Ancon, connected with the capital by the Chancay Railroad. The road was without the necessary rolling-stock, and was in bad condition for this unusual requirement. In consequence, Pierola issued a decree directing the Oroya Railroad Company, of which William H. Cilley was then, and is now, the managing director, to manage the Chancay road, and to supply such engines, cars, materials, &c., as might be necessary, for which compensation was to be made, and a considerable sum of money was paid to Mr. Cilley for repair of the road, many thousands of men being put upon the work. Ancon, in time, was blockaded, and the road to the north of that place buried and made useless by shells fired from the blockading vessels. It so remains to the present time.

The Chilian occupation of Lima followed not long after, and the road was under the military control of the enemy until the arrival here of Iglesias. The Chilians contemplated carrying the railway iron and rolling-stock to Chili, as was done in other instances, but surveys did not result in reports favorable to the project as a paying enterprise. The road has not paid expenses, and has fallen into still worse repair than when taken in hand by Mr. Cilley. A system of annoyances and exactions was inaugurated at an early day in the office of the minister of Government respecting both the Oroya and Chancay roads, but especially the latter, Mr. Cilley in consequence requesting the Government to put some other person in charge of the road, as he wished to be relieved of it and of its responsibilities. Correspondence and decrees followed and an attempt was made to put an official on the Oroya road at the cost of the company and in violation of its contract.

These matters were more or less known to me as they occurred, in part through publication of the correspondence, and culminated in the issuance of various decrees, the last in order directing Mr. Cilley to deliver to Mr. Wakulski, appointed administrator of the road, railway materials, cars, engines, &c., property of the Oroya company, or personel by purchase or lease, to make repairs to engines within specified time at the workshops of the Oroya company, all under penalties, and it orders that employés, several being Americans, should continue service in their respective positions until relieved. Proceeding at once to the foreign office I told Mr. Larrabure I desired to see General Iglesias himself concerning the decrees, to whom I said that no government on earth among civilized nations would attempt to seize property in that manner,

and that I felt sure he had not intended to authorize anything of the kind; that if the Government needed the property there were proper ways to secure it by purchase, contract, hire, or otherwise.

After examining the decree the general declared it did not call for delivery of property not belonging to the Chancay Railroad and receipted for by Mr. Cilley on inventories. I replied, "Then I am distinctly to understand, and can so inform Mr. Cilley, that the Government will not call upon him under that decree to deliver property belonging to him either by lease or purchase, and not pertaining to the Chancay road?" He replied, "Certainly you are;" adding, "I might as well direct Mr. Cilley to deliver the coat off his back as to deliver cars and material not belonging to the Government."

Notwithstanding, a few days later, notice was addressed to Mr. Cilley, by the prefect of Lima, that he should proceed to seize a certain number of engines and material, not property of the Government. Immediately I went, to see Mr. Larrabure, and, not finding him, wrote an informal note, and inclosed copies of the prefect's notice. Mr. Larrabure subsequently informed me the order to the prefect had been modified. With this assurance I rested content until some days later, when, upon receipt of a note from Mr. Larrabure, I went to the foreign office. Mr. Zaldivar, minister of the Government, was called in. A conversation began as to details of the road management, &c., but I told Mr. Zaldivar "such details did not concern me; that it was the seizure of property I felt anxious about, and that I was greatly interested in settling the matter in some satisfactory manner, securing the Government the service it desired to Ancon and saving it from greater difficulties that I saw must arise from persistence in the orders in question while protecting Mr. Cilley's rights."

That gentleman was called in, and, I saw, completely won Mr. Larrabure's confidence, but Mr. Zaldivar insisted that "a decree once issued was irrevocable. A Government could never recall or annull, and that while he asked Mr. Cilley to deliver the next morning two locomotives for service on the Chancay road, he should send soldiers to seize them if not peaceably delivered." In other words, there was no question of contracting for, hiring, or even borrowing, but a demand to deliver at discretion. The minister remarked that "the Government had a right to appropriate private property to its necessities." I replied, "The necessity must first exist, and then the condemnation and payment be made in accordance with law." In this instance the road is usable to Ancon, a place to which some families of Lima resort at this season for bathing, Mr. Zaldivar's family being one. The railway otherwise is now of little importance and no public interest would suffer through its discontinuance.

The following day I saw Mr. Larrabure, and told him "I had hoped to be able to bring about an amicable adjustment, perhaps by some new contract have the road put into effective and satisfactory operation, thus removing one of the difficulties seemingly so needlessly thrust upon the Government, but that I was informed a force had been ordered at 2 p. m. to proceed to seize the engines and to collect fines for non-obeyance of decrees, and I felt such a course to be so arbitrary and inexcusable that I should feel it necessary to cable you should the Government persist; that he might be assured it was a very unpleasant matter for me; that he had observed that I limited myself to objecting to the seizure of American property without process of law; that there were courts of law to which I thought questions of administration or of accounts should

be submitted." They proposed to seize the safe of the Oroya Company in payment of a fine of 500 silver soles imposed by decree of Zaldivar.

As before remarked these events have been known to me during their occurrence, and while I have been careful to keep aloof in the hope of a settlement, and because I think diplomatic intervention should be resorted to only as an extremity in the difficulties our countrymen encounter in their self-imposed business pursuits in these countries, I have been aware of Mr. Cilley's good faith and of his original good-will to the Government of General Iglesias, and I have viewed the official proceedings as in entire disregard of individual rights as well as of common sense in public procedure. I feel sure it did not receive Mr. Larrabure's approval. At all events the order to the prefect was recalled and an arrangement made with Mr. Cilley so far as regards the two locomotives. The fine was rescinded and criminal proceedings instituted against him recalled. * * * The other instance is that of a railway and pier at Salaverry and Trujillo.

When General Iglesias first claimed to exercise power by virtue of the local assembly of Caxamarca, a delegate, in the person of a membe of his family, was sent to represent him at Trujillo. This officer interfered in the contracts for the construction of the pier and railway, from which has arisen grand difficulties, involving the interest of foreigners.

Briefly the facts are these: In 1872 the Government of Peru entered into a contract with St. Larrañaga for the construction of the railway of Trujillo and the pier at Salaverry, but being unable to fulfill its part of the contract, in 1875 modified the contract; bonds, to be given to him in proportion to the completed work, were issued to his order, which bonds were to have been paid from the net proceeds of the works, and a small amount was so paid. Floods in 1878 caused heavy damages to the road, and war supervened in 1879. The works are in consequence incomplete. As to the validity of the contracts there is no question, but Larrañaga fell into financial difficulties.

The pier had been bargained for, as had locomotives and cars, but although imported for delivery were not given over to Larrañaga from his inability to make payment.

In 1881 the Chilian army seized the railway and took possession of the locomotives and cars, still in the original cases in which they had been imported, and applied them to use on the railway, their owners, Grace Brothers & Co., protesting against the right of seizure.

At the solicitation of Larrañaga the railway was subsequently delivered to him by the commander of the Chilian force in occupation, upon express stipulation of payment to Grace Brothers & Co. for the rolling stock referred to.

In 1876 Grace Brothers & Co. had purchased of the bonds issued on account of these constructions an amount equal to 80,000 soles.

In July, 1883, Larrañaga made a contract of assignment for the benefit of certain creditors named in the contract, and Grace Brothers & Co., and B. Valdeavellano were made receivers in behalf of themselves and other creditors,

Larrañaga's contract of 1875 made him the administrator of the road and pier, under certain requirements as to the disposition of the proceeds for a period of twenty years. At the expiration of this term the Government might take possession upon condition of paying par for the bonds still unredeemed from the portion of the road and pier earnings to be applied to their payment, failing in which the works were still to remain in the management of Larrañaga. The proceeds of the works were to be applied to the payment of expenses, improve-

ment, and repairs, and the interest and sinking fund for the bonds. The net proceeds were to be divided, two-thirds for the Government and one-third for Larrañaga. Larrañaga's assignment embraced his rights as administrator and those he had acquired as contractor and manager. The parties were substituted, as temporary administrators, as security to his creditors, and the contract is terminated at any moment when Larrañaga can satisfy their claims. They are under obligation to carefully fulfill the contract with the Government, and to diligently prosecute the works.

Under this assignment, which it will be noted is in no sense a transfer of the contract of Larrañaga with the Government, the pier has been in part erected, the road improved and material purchased, now *en route* to Peru for the extension of the road.

In the month of August or about one month after the contract of assignment had been made with Larrañaga, the delegate before referred to intervened in the affairs of the road, and besides demanding immediate payment by the receivers of 10,000 silver soles, and thenceforward of 3,000 soles per month, undertook to modify Larrañaga's contracts. These demands were paid under protest.

On the 17th January last a decree was issued, followed by one dated the 23d of the same month.

The first assumes that there is an attempt to hypothecate the road and impose claims upon it injurious to the interests of the Government in the road and pier, and that the contract between Larrañaga and his creditors required the approval of the Government.

There is no foundation for either of these assumptions. The contract of assignment in careful terms requires the exact fulfillment of the conditions of his contract with the Government, and using the terms applied in the contract, "to assign particularly and temporarily the interests and rights I have acquired as contractor and manager." There is not the least appearance of an attempt to hypothecate the property in any form. This part of the decree is therefore founded in error.

The right to transfer the contract of 1875 was reserved to Larrañaga, conditioned upon its approval by the Government.

If there was any Government in Peru to approve or disapprove in July and August last it was that of Montero at Arequipa.

But Larrañaga in his assignment to his creditors has not pretended to transfer his contract, but has expressly provided that the temporary assignment shall terminate at any time upon payment of his creditors. In further proof of the nature of the contract it is noted that no provision is made for the payment to Larrañaga of anything whatever for the interest accruing to him through large investments made by him prior to the assignment; only the portion of the net receipts falling to him is to be applied by the receivers in liquidation of his debts and of the outlay by his creditors in the completion of the pier and road.

The purpose of the contract was the completion of the pier and road with the rolling stock and appliances necessary to their profitable employment. It was therefore a contract in the interests of the Government, contractor, and creditors.

The assumption of power on the part of the Government to intervene in the assignment is certainly not warranted by any condition found in the contracts of Larrañaga with the state or with his creditors.

The pier partially completed, and the cars and engines have never been delivered to Larrañaga, but have been placed in use or construction upon the faith of the contracts and the assignment. The Government has no right of ownership, since it could acquire such only through

its contractors, who was to acquire it through the fulfillment of the assignment.

The further assertion in the decrees that the contract with Larrañaga's creditors is evidence of his inability to meet his responsibility for the construction of the works is disproved by the very fact that the assignment secured the prompt commencement of work upon the pier and the improvement of the railway bed, the supply of needed rolling stock and the purchase of materials for the prosecution of the construction and completion of the road.

It will be observed that no provision is made in the decrees for the refundment of the 10,000 soles paid to the delegate by the receivers or for the material and rolling stock supplied, not property of Larrañaga or of the Government, and never again into the possession of either.

The seizure of the road by the Government is in violation of the terms of the contract with Larrañaga, it not having paid off the bonds as a preliminary to any right of possession.

But its treatment only concerns the United States in so far as it injuriously and wrongfully affects the interests of Americans believed to have been acting in entire good faith.

The act of seizure and appointment of a manager in behalf of the Government is an arbitrary exercise of power, illegal and unjustifiable, and one not called for by any exigency of public welfare or safety.

* * * * * * *

I have, &c.,

S. L. PHELPS.

P. S.—I have overlooked a portion of the last of the decrees and the third article of the decree of the 17th of January.

It is quite apparent that a formal assignment by contract is a much more complete and formal authorization to act in place of another than a power of attorney, and that Grace and Valdeavellano have not proposed or pretended to act as agents of Larrañga, but in their own right by virtue of their contract with him, a contract not calling for the recognition of the Government. The recognition or non-recognition cannot effect its validity; and the terms of the contract do impose upon the receivers all the responsibilities in the observance of the contract during their continuance in the management which Larrañaga was under. That they were supplied with funds is proven by the measures taken to complete pier and roads.

S. L. P.

No. 279.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 61.] LEGATION OF THE UNITED STATES,
Lima, Peru, February 13, 1884. (Received March 6.)

SIR: Colonel Puga, in the north, who has for a long time been in control at Caxamarca, the home, so to speak, of the Government here, and who has been so often reported destroyed, has recently defeated General Iglesias' brother, taken Trujillo and Salaverry, seized the railway, concerning which I have written in my No. 58, and it is further reported, has overturned the established authorities of Iglesias at Lambayeque, Pocasmayo, Puna, and other places. The Government troops appear to have gone over to him with their arms, and the outlook for Iglesias in that section is not at all encouraging.

A commissary in the Chilian army at Chorillos stated this morning that a force is ordered to embark at once for the scene of Puga's exploits to quell the montoneros. I have no further evidence than the officer's word.

Reports for some days have been circulating that two Chilian columns are moving against General Caceres, one from this side and the other from Cuzco, and it is perfectly clear that, unaided, Iglesias is unable to contend with his two enemies of the north and central provinces, and that the Chilian army alone supports him. It is at least a very singular condition of affairs.

The elections for deputies to the National Assembly have been entirely without significance, the nation in the main having stood aloof while there have been no contests. The final board of supervision of the election returns for the various localities of the department divided, part declaring one set of candidates elected and the other portion returning the other ticket. The rule in the election has been but one candidate and public apathy, and I find myself unable to determine what proportion of districts have elected deputies.

* * * * * * *

Should the Chilians undertake to put down the enemies of Iglesias in the north and elsewhere it becomes an acknowledgment of the absence of Peruvian support for the Government which Chili established.

I have, &c.,

S. L. PHELPS.

No. 280.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 68.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 5, 1884. (Received April 5.)

SIR: Mr. Larrabure, minister for foreign relations, has notified me of the election by the Assembly of Mr. Iglesias as provisional President of Peru, and that the former members of the cabinet remain in their several departments.

I telegraphed you thereupon, stating also that the answer to the joint protest against the debt articles of the treaty of peace had not been satisfactory, and that Pierola is expected to arrive on the 8th.

The Assembly yesterday resolved that the constitution of 1860, except as to certain articles, should be considered in force provisionally. This removes some of the embarrassment connected with the election of General Iglesias.

* * * * * * *

I have, &c.,

S. L. PHELPS.

No. 281.

Mr. Phelps to Mr. Frelinghuysen.

No. 71.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 10, 1884. (Received April 5.)

SIR: Inclosed herewith are printed copies of the treaty of peace and all the correspondence relating thereto, including that had with the diplomatic agents of the protesting Governments. I have already for-

warded copies of the treaty and supplemental agreement, translated.* I now send a translation of the letter of protest of the minister of France and Mr. Larrabure's reply. The other correspondence is in effect quite similar. It will be seen that the Marquis Tallenay's letter is very curt and is answered in much the same terms. It remains to be seen what course the protesting powers will take.

I have, &c.,

S. L. PHELPS.

[Inclosure 1 in No. 71.—Translation.]

Mr. Tallenay to Mr. Larrabure.

LEGATION OF THE FRENCH REPUBLIC,
Lima, February 20, 1884.

MONSIEUR LE MINISTRE: Articles 4, 6, 8, and 10 of the treaty of peace signed the 20th October, between Chili and Peru, provide for a cession of territory, without taking into consideration the guarantees which form liens, special or collective, of the creditors of Peru.

The Government of the French Republic does not consider it possible to permit this to be consummated without protesting against those clauses which must be considered null so far as regards its citizens.

In instructing me to announce to your excellency the sending of an identical note agreed upon between the powers interested, my Government insists that the question of debts shall be immediately reserved, with a view to an amicable arrangement between the two Governments and the creditors, or that a solution more satisfactory, based upon contracts, shall be proposed to the Congress of Lima.

Accept, &c.,

TALLENAY.

[Inclosure 2 in No. 71.—Translation.]

Mr. Larrabure to Mr. Tallenay.

DEPARTMENT OF FOREIGN RELATIONS,
Lima, February 27, 1884.

The undersigned has received your excellency's communication of the 20th instant, intended to protest, in the name of the French Republic, against articles 4, 6, 8, and 10 of the treaty of peace, signed the 20th of October last, between Chili and Peru, and to declare that they consider them as null and without force with respect to the citizens of France.

You advise him also that an identical note has been sent, concerted between the powers in interest, and close suggesting that the question of the indebtedness of Peru be reserved until an amicable arrangement be made between both Governments and the creditors, or that there be proposed to the assembly convoked for the 1st of March a solution more satisfactory, based upon a regard to the contracts.

Already in the conference which the undersigned had with your excellency in this department, I spoke, among other things, of one to which regard must be had before a reply can be given to the note.

Having regard for the eminent endowments of your excellency the Government of the undersigned regarded your selection as envoy extraordinary and minister plenipotentiary in Lima as an evidence of the friendly sentiments which the noble French Republic entertains for Peru, but if a minister be not invested with a diplomatic character before the Government that receives him except by the presentation and reception of his credentials, one cannot explain an act of such importance as the protest without your excellency having first completed that requisite. The undersigned has offered and continues offering your excellency all possible facilities for the fulfillment of your mission in current affairs, and has observed, and will continue to observe, all the consideration due to your rank, but cannot tolerate the innovation introduced by the French legation, much less so when treating of a question sufficiently grave, as your excellency observes.

Returning to the note, the treaty to which your excellency alludes, has not been

* See Foreign Relations for 1883, pp. 730–733.

brought to the attention of your Government because the opportunity has not presented itself; it is still in the condition of a negotiation pending, reserved by its very nature and private character from other (Chancelleria?) diplomatic offices with which it has no direct relation whatever.

A notification of it, or simply its publication by the Government of the undersigned would have been premature and in violation of established usage.

Peru enters into it by virtue of the right it possesses of governing itself, a right recognized since early in the century, at the time of its independence, by all powers, including the one your excellency so worthily represents, and cannot accept foreign intervention without violating its rights as a sovereign and independent state and without abdicating their prerogatives, which it has respected and does respect in all constituted nationalities; hence it may not give, nor feel itself called upon to give, participation in the treaties it negotiates without destroying the foundation of its own existence.

On the other hand, the debts which are the cause of your excellency's protest, originated in loans made by individuals whom the Government of the undersigned did not think it necessary to ask their nationality; these debts have never had an international character, thus, as to-day it appears, part of them, at least, are in the hands of Frenchmen, according to your excellency's note, of which the undersigned does not for a moment doubt, they may to-morrow, possibly within a few hours, pass into the hands of Americans or Russians, or business men of whatever nationality. Peru owes nothing to France, not as to the Government or the state, consequently those loans cannot become the subject of diplomatic intervention.

The undersigned does not wish, as it would offend your excellency's enlightened Government, to linger in pointing out here the grave consequences that it might have upon the peace and external security of all nations, were such doctrine to be sustained.

He will point out to you only that with it the doors would be opened for reclamations and wars, which are precisely what modern international laws are designed to avoid; the relations between countries exposed to the fluctuations of the exchange would expose weak states to the mercy of the strong, and, in the name of the new rule which precedent had established as an international practice, one nation would be authorized to disturb the peace of another. A like doctrine, which a just and upright Government like that of your excellency cannot consent to, in the course of unforeseen human events might place France herself in the gravest dangers.

A few years since the English bondholders solicited the intervention of Her Brittanic Majesty's Government, and notwithstanding the exertions of private gentlemen, made as such, the British foreign office (Chancelleria?) denied the right of diplomatic intervention, as appears from records in this office.

If such serious considerations do not convince the Government of your excellency, and it should consider it necessary to sustain the protest, the undersigned seizes the occasion to remind you that it is of public notoriety that for more than four years Peru has not controlled the hypothecated products.

Notwithstanding since the earlier days of the war of the Pacific, cargoes of guano and saltpeter have passed over the seas without any opposition, Peru even has asked at the proper moment, through its diplomatic or consular agents, the embargo of these cargoes in European ports without finding support on the part of the Governments which now protest. Under these conditions diverse arrangements have been made between creditors, and a public sale made of 1,000,000 tons of guano to which the guarantees apply, without notice on the part of the Republic of France or the other states. It has thus struggled alone, and for a long time, to save these interests, and afterwards signed a treaty of peace, because it was no longer in condition to continue the struggle.

Moreover, your excellency should not forget that in the outbreak of the war the Peruvian Government was engaged in an advantageous arrangement with its creditors; the guano and saltpeter more than sufficed for the debts. If Peru later on has found itself obliged to despoil the nation of the wealth which constituted the security, it has done so from the need to regard its own preservation, which is the first obligation, as it is the first right of a state; otherwise we should hold that war should never cease without the complete submission or the total destruction of one of the belligerents.

Such is the situation of Peru; and these are the reasons which alike prevent it from accepting the protest or acceding to the desires of the Government of the Republic of France. The undersigned will, when the opportunity offers, submit the treaty of 20th October to the national assembly, as it is his duty, together with the correspondence relating thereto. I should at the same time assure your excellency that Peru on its part will not omit any means looking to the continued maintenance of its good relations with France; relations which it wishes to strengthen as far as possible, equally in prosperity as in the hours of its humiliation and misfortune.

The undersigned renews, &c.,

E. LARRABURE Y UNANUE.

No. 282.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 77.] LEGATION OF THE UNITED STATES,
Lima, Peru, March 26, 1884. (Received April 15.)

SIR: Recently there was introduced in the assembly an act declaring the contract with Henry Meiggs, for the construction of the Oroya Railroad, &c., to be forfeited, and directing the Government to take possession of the road, plant, &c.

I wrote to you in No. 58, at some length, concerning this road and the Trujillo road.

I may state here that so late as 1880 the Peruvian Government recognized the validity of the Meiggs contract, made a new one with the then representatives of Meiggs, and gave the right of transfer to any parties whatever. The transfer was made in accordance therewith. The contract has been complied with. The war and the occupation of Lima and the line of the road by the enemy here, of course, prevented prosecution of work in construction.

ARTICLE 7, as modified by the assembly, provides "Property of the nation may be disposed of to satisfy the public needs."

* * * * * * *

I should be pleased to receive instructions how to proceed in the event of forcible proceedings in cases where I consider the contracts to be unquestionably valid.

I am, &c.,

S. L. PHELPS.

No. 283.

Mr. Phelps to Mr. Frelinghuysen.

No. 78.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 2, 1884. (Received April 28.)

SIR: The mails brought the written instructions of the several protesting Governments, and I have the honor to send you a copy of the text in English, together with the reply of the Peruvian minister for foreign affairs, with translation.

The ratifications of the treaty were duly exchanged in Lima on the 28th ultimo.

As yet there is nothing given out in respect to the movements of the Chilian troops.

Meanwhile most of Peru appears to be in the control of Caceres and of bands of Montoneros. Caceres has pushed his regular troops out upon the lines towards the sea and it is reported that the Chilian troops beyond the Cordillera have been ordered to this side.

The assembly adjourned on the 31st ultimo to meet the first day of March, 1885. As reported, it conferred dictatorial powers upon Iglesias and continued its own existence.

General Iglesias, in remarks made to the assembly, said that he should, in the exercise of the powers given him, regard the personal security and honor of all citizens.

I am, &c., S. L. PHELPS.

[Inclosure 1 in No. 78.]

JOINT NOTE OF PROTEST.

* * * * * * *

Government has learned with satisfaction that a treaty of peace has been concluded between the Republics of Chili and Peru, which treaty, in order to become binding, only requires to be ratified by the legislative power in both countries. As a Congress will meet at Lima early in March, the time approaches when the engagements agreed upon will be submitted to the lawful representatives of Peru.

The text of the said convention, which has been made public through various channels, contains stipulations which belong to two different orders of ideas. Some are exclusively political and regulate the respective situations of the contracting countries; these * * * Government leaves out of consideration.

The others are relative to the debts of Peru, that is to say to the rights of neutrals which are affected by the cession of a certain number of provinces to the Republic of Chili; such are Articles IV, VI, VIII, and X, of the treaty. * * * Government could not help taking notice of the above-mentioned stipulations which interest * * * subjects in a direct manner. It appears to * * * that they constitute a serious derogation to the rules usually observed in such cases, and a breach of the contracts which have been entered into between Peru and her creditors, the object of the said clauses in sanctioning a cession of territory in favor of one of the contracting parties being to free the said territory from the obligations which weigh upon it in behalf of a third party. They set aside various mortgages which form the special or collective lien the creditors of Peru have upon the whole of the valuable guano or nitrate deposits discovered or which may be discovered in the ceded provinces. Under the circumstances and while experiencing the sincere wish that the essential part of the treaty will be ratified without delay, and that friendly relations between the two states will be placed on a durable basis, * * * Government is of opinion that * * * cannot allow the clauses of the treaty concerning the settlement of the Peruvian debt to become obligatory without formally protesting against them, and that * * * ought to consider them of no value as far as * * * subjects are concerned. Therefore * * * insist upon the said clauses being reserved with a view to a friendly understanding between the two Governments and the interested parties being arrived at, or upon a more satisfactory solution, which will guarantee the contracts with the creditors being immediately submitted to the acceptance of the congress which is about to meet in Lima. Moreover, they hope that the cabinets of Santiago and Lima will, without difficulty, perceive the necessity of a modification which will strengthen the credit of Peru and add to the good name of Chili.

[Inclosure 2 in No. 78.—Translation.]

REPLY TO THE JOINT NOTE OF PROTEST CONCERNING THE DEBT STIPULATIONS OF THE CHILI-PERUVIAN TREATY OF PEACE.

MINISTRY OF FOREIGN RELATIONS,
Lima, March 27, 1884.

SIR: I have had the honor to receive your dispatch of yesterday's date, in which you are good enough to inform me that in obedience to the instructions you have received from your Government, you place in my hands the identical note, the sending of which you announced to this ministry on the 20th of February last, signed by the European powers, which appear to have framed the protest against some of the articles of the treaty of peace and friendship concluded on the 20th of October, 1883, between Peru and Chili, which, as you are aware, is already a law of the Republic, having been approved by constituent national assembly and ratified by the executive power.

I have to state to you in reply, even without taking into account the fact above mentioned, that it is not possible to consider the contents of the said note so long as my Government is not officially and directly recognized by that you so worthily represent.

When that recognition has taken place my Government will return an appropriate answer, in accordance with principles of justice and that loyalty which has always characterized the international policy of Peru, without forgetting her rights as a sovereign and independent nation.

MARIANO CASTRO ZALDIVAR.

No. 284.

Mr. Phelps to Mr. Frelinghuysen.

No. 81.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 2, 1884. (Received April 28.)

SIR: I have been compelled to protest decidedly against a renewed attempt on the part of the Government to seize the Trujillo railroad, and of the property afloat and ashore being landed by the administrators, acting under an assignment by Larrañaga, as explained in my No. 58.

The position I have taken is that the details of Larrañaga's performance of his contract do not affect the question; that the Governments of Peru, whenever exercising control in that part of Peru, have recognized Larrañaga's contract; that Chili had recognized the validity of his contract with his creditors, and had not, in consequence, seized and carried off the property as had been done in the case of other roads; and that, even if Larrañaga's contract has been justly forfeited, or if his contract with his creditors be invalid, these are matters to be determined by the proper tribunals of the country, and that the United States cannot permit the rights of their citizens to be assailed and their property seized upon the decision of a minister of a government which is itself a party to the contracts declared by that officer to have been forfeited; that there must first have been a full, fair, and impartial hearing of the case by the proper court of law, and the property be taken possession of in pursuance of a decree of such court.

I trust that some understanding will now be reached satisfactory to the American firm.

I have, &c., S. L. PHELPS.

No. 285.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 83.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 8, 1884. (Received May 5.)

SIR: Yesterday I had the honor to telegraph you concerning the rupture of negotiations between Chili and Bolivia, and the protest of Bolivia against the continued occupation of the Mollendo-Puno Railroad, by Chilian forces. Puno, upon Lake Titicaca, is, or was in communication with the Bolivian side by means of small steamers. These were seized by the Chilians, and all commercial intercourse with Bolivia by that route interdicted.

Besides, the Chilians carried one or more torpedo boats by the railway to Puno, and are otherwise prepared for aggressive warfare, from that railroad terminus and lake port, upon Bolivia. It is not reasonable to suppose Chili is disposed to give up this great advantage until peace is secured with Bolivia.

As this now seems to be in peril—and I may add there are indications of movements of Chilian troops upon Bolivia in the south—at this moment, the forces would not be withdrawn from Peru, were it demanded by General Iglesias.

* * * * * * *

I have, &c., S. L. PHELPS.

No. 286.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 86.] LEGATION OF THE UNITED STATES,
Lima, Peru, April 11, 1884. (Received May 16.)

SIR: A few days since I telegraphed that the negotiations for a truce between Chili and Bolivia had failed.

* * * * * * *

Renewal of hostilities between Chili and Bolivia was expected by the Government here and by the Chilians at headquarters. Preparations were making. The Peruvian minister had returned from La Paz to represent to his Government the feeling existing in Bolivia concerning the continued occupation by the Chilians of Puno, and their stoppage of intercourse by that route. These serious complications have been removed by the signature of the truce, bereft, however, of two important provisions which it is known were insisted upon by Chili, viz, exclusive trade of Bolivia with the Pacific through the port of Arica, and the right to construct a railway from the vicinity of Antofagasta to the interior of Bolivia. Chili doubtless found it politic to recede.

Combinations looking to the submission of Caceres, coupled with an influential support of the Government hoped for, failed, largely so because of the pretensions of Chili to further indemnity in the event of having to assume Peruvian indebtedness for Tarapacá.

I observed a feeling that, cost what it might, these parties thought it necessary to assist Caceres with funds, that he might still retain the only force in Peru that would protest against further spoliation. But the Chilians are to attack him as soon as the rains pass, and he will be unable to offer effective resistance.

I have, &c.

S. L. PHELPS.

No. 287.

Mr. Frelinghuysen to Mr. Phelps.

No. 44.] DEPARTMENT OF STATE,
Washington, April 23, 1884.

SIR: Acknowledging the receipt of your No. 77, in which you ask instructions as to the course you will be expected to pursue in the event of forcible proceedings in cases where you consider certain contracts unquestionably valid (such as the one to which you advert, apparently entered into between Peru and the American, H. Meiggs), which inquiry you make with reference to a new enactment by the assembly at Lima, to the effect that property of the nation may be disposed of to satisfy the public needs, I have to say that you will protest and state that this Government will not recognize the validity of any act interfering with vested rights, unless under due process after fair appraisement and condemnation.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 288.

Mr. Phelps to Mr. Frelinghuysen.

LEGATION OF THE UNITED STATES,
Lima, Peru, April 29, 1884. (Received May 16.)

SIR: Owing to departure on the day following the presentation of my credential letters to the President of Peru, I have been forced to write the report at sea and without number.

In accordance with your telegraphic instruction I received a visit from the minister of foreign affairs of Peru, as did each other chief of a legation authorized to accept the *amende*, on the 23d instant, in which he said he had come as an act of courtesy and to express the desire of the Government to renew former diplomatic relations precisely as if nothing had occurred to interrupt them, and that it was the wish of the President that they might be cordial. Subsequently an official letter informed me of the change in the cabinet. The next morning Mr. Gibbs arrived, and, as arranged, he accompanied me to the reception for the presentation of my credentials, which was a public one and quite ceremonious. The German minister subsequently presented his telegraphic authority to recognize the Government, the more formal reception to take place when his letters arrive. Mr. Pinto, minister from Salvador and dean of the corps, also recognized the Government the same day.

I presented Mr. Gibbs as minister to Bolivia, temporarily placed in charge of the legation in Lima as well, during my absence upon urgent business.

I have, &c., S. L. PHELPS.

No. 289.

Mr. Gibbs to Mr. Frelinghuysen.

[Extract.]

No. 94.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 7, 1884. (Received May 29.)

SIR: As Mr. Phelps left here the day after his official reception, I doubt if he had time to communicate to the Department the correspondence that took place on that occasion. I inclose copy of Mr. Phelps' official note to this Government and the answer of Señor Urrutia, minister of foreign affairs, with translation; also copy and translation of the answer of the President to Mr. Phelps' remarks.

* * * * * * *

I am, &c.,

RICHARD GIBBS.

[Inclosure 1 in No. 94.]

Mr. Phelps to Mr. Urrutia.

LEGATION OF THE UNITED STATES,
Lima, Peru, April 22, 1884.

YOUR EXCELLENCY: I have the honor to request an audience with his excellency the President for the purpose of presenting letters accrediting me as envoy extraordinary and minister plenipotentiary of the United States near the Government of Peru.

As I am about to leave the country temporarily, I suggest the audience should be fixed at as early an hour as may be convenient to the President.

With assurance, &c.,

S. L. PHELPS.

[Inclosure 2 in No. 94.—Translation.]

Mr. Urrutia to Mr. Phelps.

MINISTRY OF FOREIGN AFFAIRS,
Lima, Peru, April 24, 1884.

Mr. MINISTER: I had the honor to receive, with your excellency's esteemed note, copy of the letter which accredits you with the character of envoy extraordinary and minister plenipolentiary of the Republic of the United States of America, and also copy of the remarks that your excellency will make in the act of being received by my Government.

In answer, I am happy to inform your excellency that at 2 o'clock this afternoon a solemn reception of your excellency will take place, for which purpose the chief officer of this ministry will call at your excellency's house a few minutes before that hour to accompany your excellency to the palace.

With sentiments, &c.,

BALTAZAR GARCIA URRUTIA.

[Inclosure 3 in No. 94.]

Speech of Mr. Phelps.

Mr. PRESIDENT: By instructions from my Government I have now the honor and pleasure to place in your hands the letter of the President of the United States accrediting me as the representative of my country near the Government of Peru.

The people and Government of the United States feel great solicitude for the future welfare of Peru, desiring to see the nation fully resuming its pursuits of peace, with all the enjoyment of the advantages and happiness derived from industry, security, and the consequent general prosperity. I venture to express the hope that your excellency may be able to lay the foundation of a great and permanent progress, coupling your name with it in the history of your country. Besides duties connected with the interests of citizens of Switzerland and Colombia, I am instructed to extend such aid as I can to the Chinese in this country. Believing your excellency to be actuated by most humane motives in respect to them, I shall seek an early occasion for consultation with your Government, hoping for results as advantageous to Peru as to the Chinese laborers. It will be my pleasure as well as my duty to cultivate and extend the good relations that have always existed between the United States and Peru, and it is my ambition to meet with success.

[Inclosure 4 in No. 94.—Translation.]

Reply of President Iglesias.

Mr. MINISTER: With the greatest pleasure I receive the autograph letter that accredits you as envoy extraordinary and minister plenipotentiary of the United States to the Government of Peru, which felicitates itself through me on the official and solemn continuation of diplomatic relations with the great Republic of the north.

After a war terrible as unfortunate to our arms, whose adverse end the most heroic sacrifices could not impede, it is to-day the great desire of my Government to devote itself to the works of peace, seeking in them the fruitful elements of reorganization and progress. With these intentions I shall labor without ceasing to establish an honorable and patriotic administration that will consolidate the rule of democratic institutions and open a bright future to the commerce of all nations.

I see with great satisfaction that you are authorized to look after the interests of the citizens of Switzerland and of Colombia and for the Chinese subjects residing in this country.

My Government takes pleasure to inform your excellency in respect to the last that it is resolved to extend to them the protection that the liberal laws of Peru give to all strangers without distinction of nationality.

I am highly thankful for the sentiments that your excellency expresses toward the people and the Government of Peru, and am happy to answer them by wishing in the most fervent manner for the prosperity and glory of the people and the Government of the Americans, and that the relations of friendship that exist between our respective Governments will remain unalterable.

Be assured that all facilities will be given you in the fulfillment of the mission that has been confided to you, both as a representative of a Republic so beloved by Peru and for the personal qualities that adorn you.

You are thus recognized in your elevated character.

No. 290.

Mr. Gibbs to Mr. Frelinghuysen.

No. 95.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 7, 1884. (Received May 29.)

SIR: The French minister, on 30th ultimo, passed a note to Minister of Foreign Affairs that he had received a telegram authorizing him to recognize the Iglesias Government immediately. It is also reported that the Argentine Republic has recognized this Government. I suppose that all the governments of any importance in Europe and the American continent have now recognized this Government.

Nothing of importance in political matters to communicate at present.

I am, &c.,

RICHARD GIBBS.

No. 291.

Mr. Frelinghuysen to Mr. Gibbs.

No. 1.] DEPARTMENT OF STATE,
Washington, May 19, 1884.

SIR: The views expressed by Mr. Phelps in his No. 83 to this Department, under date of the 8th of April, 1884, concerning the rupture of negotiations between Chili and Bolivia, and the protest of Bolivia against the continued occupation of the Mollendo-Puno Railroad by Chilian forces, are worthy of careful consideration.

Now that General Iglesias has been recognized, you, as the United States representative to both Bolivia and Peru, should omit no discreet effort to include Bolivia in the benefits of whatever good results in the interest of peace may flow from the recognition of General Iglesias' Government.

I am, &c., FRED'K T. FRELINGHUYSEN.

No. 292.

Mr. Frelinghuysen to Mr. Gibbs.

No. 3.] DEPARTMENT OF STATE,
Washington, May 19, 1884.

SIR: Mr. Phelps' No. 58, and later dispatches, which you will find on file in the legation at Lima, report the action of the Peruvian authorities in issuing executive decrees declaring forfeited certain railway and

other contracts in which citizens of the United States are concerned, and providing for the settlement of debts under such contracts by extrajudicial means.

It is thought unnecessary to analyze these operations in detail, inasmuch as they rest on bases which this Government does not admit. This action assumes to Peru the right to dictate a decision involving the rights of citizens of the United States in contracts to which Peru is itself a party. We do not recognize the competency of either party to a contract to void it at will and enforce penalties on the other party.

I have to-day sent you a telegram to this effect, in the following words:

GIBBS, *Minister, Lima:*

We should not accept executive decrees interfering with contract rights of our citizens where Peru is a party.

FRELINGHUYSEN.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 293.

Mr. Frelinghuysen to Mr. Gibbs.

No. 4.] DEPARTMENT OF STATE,
Washington, May 19, 1884.

SIR: I have to acknowledge the receipt of Mr. Phelps' dispatch without number, written at sea, April 29, 1884, reporting the presentation of letters of credence to the President of Peru.

Now that the suspense is over, it is trusted that events will prove that Peru is ready to deal with us on all points affecting the relations of the two countries, or the rights of American citizens.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 294.

Mr. Gibbs to Mr. Frelinghuysen.

[Extract.]

No. 100.] LEGATION OF THE UNITED STATES,
Lima, Peru, May 21, 1884. (Received June 16.)

SIR: In my dispatch, No. 95, I informed the Department that France had recognized this Government. Since then the Argentine Republic has recognized, so that the Government of General Iglesias has been acknowledged by all the principal powers of America and Europe.

* * * * * * *

On the 9th instant a decree was issued saying that the time for forbearance and mercy had passed; that in the future all disturbers of the peace would be severely punished and chastised, according to the laws of the Republic in such cases.

On the same day another decree was published destroying what little there was left of the freedom of the press, almost prohibiting any expression of thought.

A few days afterward a decree was issued stating that the pecuniary resources of the Government were in such a condition that the administration had to resort to every manner possible toward creating funds, and it was therefore ordered that all persons should take out passports to travel by land or sea within the dominion of the Republic. A small amount, 20 cents silver, for each passport to be collected.

Disturbances are taking place all over Peru where neither party has full power, and troops sent out by this Government often desert.

In the latter part of April some cavalry left here to go to the north. They were 150 in number, and arrived at Pocas Mayo on the 28th of the month mentioned. On the night of the 1st instant they mutinied; ninety-three deserted, taking their arms with them, killing the sentinel and one officer and severely wounding the second in command.

At Huanuco, about 180 miles northeast of Lima, the Cacerists, with a body of Indians, took possession of the place, murdering a number of Chinese and sacking their stores. They also murdered the subprefect and others.

A few days afterward another party of Cacerists entered Huancayo, about 120 miles east of this city, took peaceable possession of the town, and established their own authorities. The Cacerists or Montoneros, as they are called, occupy nearly all of the province of Ica on the coast. The line from Mollendo to Peru, on the south, being held by the Chilians, all is quiet there.

I have no doubt that whoever acknowledges the treaty made by Peru with Chili, whether Caceres or another, would try to overthrow the present Government; the Chilians would remain as spectators, and would not interfere save to restrain outbreaks or mob law.

The Chilians are sending off their troops gradually, and have already sent artillery, cavalry, one regiment of sappers, and another of infantry. The cavalry horses are being sold as fast as possible, and everything looks like an abandonment of the country.

If any important changes take place, I will report by cable.

I have, &c.,

RICHARD GIBBS.

No. 295.

Mr. Gibbs to Mr. Frelinghuysen.

No. 117.] LEGATION OF THE UNITED STATES,
Lima, Peru, July 9, 1884. (Received July 28.)

SIR: I have now to inform the Department of a very important move toward the pacification of the Republic made by President Iglesias, as you will see by the copy of the proclamation issued yesterday, which I inclose; also translation. I surmise that General Iglesias has made a virtue of necessity, and has done the best thing he could do under the circumstances. The Chilians are fast evacuating the country, and before the end of the month it is said the last of them would have left Peru. As there is no doubt but their presence kept the present Government in power here at Lima, the power of Caceres was increasing, and his forces were slowly and gradually encircling this capital.

Puga, in the north, had taken and holds the port of Cosma. Zamudie holds all of the province of Ica excepting the port of Pisco. La Colero did not return to Ecuador, as reported, but is near Puno, and as soon as the last Chilian leaves Puno and Arequipa, there is not the least doubt but the whole country from Cuzco around down to Puno, Arequipa, and Mollendo will pass over and recognize Caceres.

The papers of last night publish a correspondence between the Government and Caceres.

On the 10th of June the minister of Government, Señor Osma, directed a communication to General Caceres. After appealing to his patriotism he asks what are his wishes, and stating his (Caceres) desires shall be granted as far as is compatible with the honor and dignity of the Government, and that the Government is disposed to do all possible to avoid further shedding of blood among Peruvians, offering if it is necessary to go in person to have an interview with Caceres, stating that he (Osma) would await with anxiety so as to change the unhappy position of Peru to one of felicity and prosperity.

General Caceres answers Osma's letter from Huancayo June 19th applauding the design and desires of the minister, and states that his wishes are:

(1) That General Iglesias make good his promises given to the country, and in fulfillment of the treaty made by him to demand the immediate freedom of the Peruvian territory from Chilian troops.

(2) Name a new ministry of persons who inspire confidence to the country. Osma and Colonel Garcia Leon, minister of war, to remain as members of the cabinet.

(3) General Iglesias to resign his power to the ministry so formed.

(4) The cabinet to proceed to call elections for President, Vice-president, and a Constitutional Assembly.

(5) Caceres to accept and recognize the authority of said ministry.

Then General Caceres, in a lengthy document, gave his reasons for the above demands. That the country, since the signing of the treaty last October, desired to be free of the hated presence of a foreign enemy; that it awaited with anxiety that this would have been the first step of the Iglesias Government, but on the contrary the Chilians had remained and by their bayonets sustained the actual government which was more or less a protectorate; this fact was degrading after the great concessions made in the treaty. A small circle or clique had possession of the power of the nation against the protest of the people. Suffrage had been suppressed, and the nation deprived of its rights. In separating General Iglesias from authority in the Republic it is natural that the new ministry could call an election for a free expression of the people.

Caceres proposes, also, that General La Puerta could be called to power as he was the legitimate vice-president of the Republic when Pierola made himself dictator, and he might also convoke a call for election under the rule of the constitution of 1860. He also appeals to the patriotism of Señor Osma to assist him in carrying out this idea.

This correspondence was the cause of the visit of Armstrong to Caceres, and of the coming of the commissioners to treat with Iglesias. The propositions direct of Caceres were not admitted, but they are in fact, and to a great extent, conceded in the proclamation inclosed.

Yesterday, with all the ceremony that is used in these South American republics, the decree was published through the streets convoking new elections as follows:

Miguel Iglesias, provisional President of the Republic, says: Considering that it is not necessary that the provisional regimen should continue by this Government,

which believes it has finished the task imposed on it when it accepted the supreme command, decrees that an election shall be held for President, Vice-president, deputies, and senators, according to the constitution of 1860. Then follows the mode and rules for the elections, the Congress to be installed December 9 of this year.

The proclamation has been accepted by the press very favorably, and as far as I can learn has been very well received by the people.

Orders have been sent to all parts to stop all military operations, and yesterday a steamer left for Pisco to bring back the troops left there a few days ago, as reported in my last note, and also orders were sent into the interior to Prefect Mas and troops to return to this city.

Still I think that when the Chilians leave, attempts will be made to unseat General Iglesias, as I doubt the county waiting until December to see the result of the elections, as the anti-Iglesias party are the most numerous.

I am, &c.,

RICHARD GIBBS.

[Inclosure in 117.—Translation.]

PROCLAMATION OF GENERAL IGLESIAS.

Miguel Iglesias, Provisional President of the Republic, to the nation:

Fate made me the instrument to carry out the most difficult and painful act that a soldier with abnegation, who defended his country on the field of battle, could undertake.

Even when I proclaimed in the north the peace with Chili, I was not blind to the great obstacles that I would find in my path, foreseeing in the future rehabilitation and greatness. I braved the anger of those who opposed me, and was not detained by the ingratitude of my cotemporaries.

Convinced that peace was the only living idea, the spirit of all in the calm hour of patriotic meditation, and the only hope or sentiment whose warmth could free the country covered in all directions by smoking ruins and ensanguined bodies of thousands of martyrs.

Impulsed by this saving thought, I arrived at the gates of this capital surrounded by noble and willing companions. I signed the peace of Ancon, thereby realizing my most vehement desire, which months previous was considered by many as an act of lunacy, and by others as a page of shame in the national history.

But in spite of all passions the flag, the symbol of our autonomy, waved in the Peruvian metropolis, and at that moment of ineffable joy and pleasing hopes I was gratified at the work of abnegation and sacrifice that I had passed, and from that time I awaited calmly the verdict of posterity. More, after finishing the heavy task to replace the clash of arms by the beneficial action of labor, to return to the fields the men who were occupied in the war. Another task more arduous, another object more noble was called to perfect the undertaking which was reaching its terminus, occupied all the attention of my thoughts and strength of activity.

What did the Republic gain by international peace and the freedom of its territory, if the blind hate of partisanship would again cover the soil with blood and drive away for many years of disastrous agony a future of happiness and progress?

Then it was necessary to consolidate the harmony of the Peruvian family, to give a high example of disinterestedness and political abnegation, founding at the same time an administration whose acts the country can judge.

Fellow-citizens, if I have continued in this position, having accepted the power that the constituent assembly trusted to me, I did so because I did not consider it impossible to crown the noble mission which I assumed in the bitter hours of profound despair believing, that as I had put an end to the foreign war under the conditions the least onerous in such difficult moments, I might bring back to the country the order and stability of its institutions.

People of Peru, although not a single protesting act has been formed against my Government, although I possess ample and powerful elements of force, I will sacrifice all for conciliation.

I will leave the political stage resolutely and irrevocably, and from this day forward, under the protection of the constitution of 1860, which I declare to be in force, you may remain tranquil, and in electoral combat you can name the citizen who will replace me.

When that is done, and I deliver to your representatives the power that I hold, I will retire to my home with the tranquil spirit that accompanies the man who has fulfilled his duties as a soldier and as an executive.

This will be the last act of my political life, and thus believe I have answered the confidence that I received from the nation.

If my abnegation is not sufficient to strengthen the foundations of peace, yours will be the blame, if you do not know whom to elect with coolness as the person worthy of directing your destiny.

Compatriots, I promise you by the word of a gentleman and soldier you shall have all the liberty conceded by the law to exercise that most precious right a free people can have, the right of suffrage.

The public force shall be no obstacle, only a worthy assistant to the free expression of your will, and my complete and irrevocable renouncement of the election is one more pledge of the loyalty of my intentions.

People of Peru, never forget that respect to law and authority is the first base of the greatness of nations. Divided in the past, we could not obtain victory on the battle-field. Occupied to-day in fratricidal struggles, spilling precious blood not shed by a foreign enemy, each day weaker, we will see theR epublic humiliated by the odious tyranny of disorder and an easy prey to foreign ambition.

To improve the realization of this scene of destruction and shame is what has obliged me to take the step which I now inform you of. I expect the assistance of all to put in practice this unity which is the salvation of Peru.

I gave you external peace, and to-day, sacrificing all that to me is personal, I lay the foundation for internal peace.

Your compatriot and friend,

MIGUEL IGLESIAS.

No. 286.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 129.] LEGATION OF THE UNITED STATES,
Lima, Peru, August 20, 1884. (Received September 16.)

SIR: * * * A decided change in policy has arisen, the leading men of the Civil party having been banished from Lima, and strict regulations are now enforced, the people being interdicted from appearing upon the streets after certain hours, &c.

Meanwhile General Caceres, who occupies about all the ports and territory of Peru, is reported encamped in an apparent state of inactivity at a station upon the Oroya railway, not distant from Lima, his outposts coming to within 8 miles of the city. His force of disciplined troops is variously reported at from 1,200 to 4,000 men, accompanied by a large number of irregularly and insufficiently armed Indians. The maintenance of this force in a mountain defile must be extremely difficult.

An attack is daily looked for, but I question if the Government itself is very well informed as to the strength or movements of its enemy. It was proposed through the commission before referred to, that Caceres should nominate the prefects of the departments, the appointments to be made by Iglesias; that the Lima cabinet should be arranged satisfactorily for Caceres, and, finally, that Iglesias would not become a candidate for election to the Presidency. The field was thus to be left free for the election of Caceres, who was to retire to the interior and peaceably await the event, the hope being that bloodshed and civil war might thus be avoided.

These proposals were declined by Caceres upon an apparently insufficient pretext, an act that has deprived him of many supporters and admirers. His motives are not comprehended, as it was clearly not

practicable for Iglesias to offer him anything more, except by an absolute abdication in his favor of the office of President.

The delay in attack by Caceres has been as advantageous to the Government as injurious to his interests.

A dash at the outset would have given him the city with little resistance, but now the Government feels that it has gained much in strength in its armed force as well as in popular support. It has, as claimed, 4,500 well-armed and, what is of as much consequence, well-paid troops.

It is reported that the people of Arequipa have revolted and received a representative of Caceres in place of the Government prefect, driven out. Mollendo has declared for Caceres, and Puno had already done so; consequently all the south of Peru, as well as the north and central sections, is in the control of that chief, and Iglesias is confined practically to the limit of Lima and Callao and their vicinity.

I have, &c.,

S. L. PHELPS.

No. 297.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 132.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 2, 1884. (Received September 27.)

SIR: In my No. 129 was given the condition of affairs as understood on the 20th of August.

The then reported revolt at Arequipa was confirmed, and it is stated the troops dispersed, taking their arms. This event completed the control of Caceres over all Peru except Lima, Callao, and their vicinities. Meanwhile he was in the valley of the Rimac, a few miles above Lima.

Several minor engagements occurred between his irregular (Montoneros) forces and the Government troops during the intervening days to the time of the attack on this city, resulting in directing the attention of the Government to the northern side, and in consequence the attack from the opposite side was a complete surprise.

It appears that Caceres left his position on the Rimac at a station on the Oroya Railroad with about fifteen hundred men, one thousand or thereabouts being trained and experienced troops.

Crossing the mountains to the southward, he entered the plain upon that side of Lima, intending to pass between the city and Miraflores, *en route* to attack Callao. In the darkness of a foggy and misty night, so frequent at this season, his guides became confused in the various roads early in the evening, and the force, already weary with long marching and want of food, wandered about until midnight, with the result that about 3 a. m. it came in collision with a picket guard of the Government stationed in the outskirts of the capital.

The attempt to surprise Callao was necessarily abandoned, and the attack was perforce turned upon Lima.

The cuartel of San Guadalupe was captured, and by 6 a. m. the streets of Lima had become the scene of a desultory fight and the firing had become general, a number of bullets striking or entering the legation house.

There was apparently no organized and studied plan of operations. General Caceres unquestionably had been persuaded that he had but to make the attack to have the Government troops passing over to his side and to find himslef fortified by an uprising of the pueblo. He had been advised that all was prepared, and importuned to come to Lima.

There was no popular movement in his favor, and the Government troops did not pass over to his support.

It was apparent that had he made the Government house, or so-called palace, his sole object of attack, and had he entered with scaling ladders and a force assigned to the assault, he would have carried the place, captured the President, his cabinet and officers, and become master of all Peru without a loss in men as great as that experienced. At 8 o'clock he was in possession of the larger part of the city, but his failure was already manifest, for his men were moving about without concert of action or intelligent leadership.

* * * * * * *

Caceres himself was but a short time in the city. He had been quick to discover the want of popular support and of disloyalty in the Government troops, and, accompanied by a small escort, went by way of Lima back to the mountains. His people, except those who occupied church towers, had left the city by noon. The Government troops, taking courage, followed them to the suburbs, making many prisoners.

All of Caceres' troops became scattered and routed. Exhausted from fatigue and hunger, they were incapable of an organized retreat, or indeed of further efforts, and this, more than the opposition of the Government forces, led to the disaster. The people in the church towers resisted till 2 p. m., then surrendering.

Caceres is said to have gone, with a small force retained at his former position on the Oroya Railroad, over the Cordillera to Tarma, and, it is presumed, will reach Arequipa as quickly as possible. Once there he will be in command of men and of resources. Meanwhile the Government has dispatched two steamers with troops to the south, possibly to Mollendo.

The explanation of this turn of events is to be mainly found in the support given by Pierola to Iglesias. The ex-dictator has great influence with the lower classes of Lima, this being the order relied upon in aid of revolutionary outbreaks.

Had Caceres pushed on to Lima, continuing to closely follow up the Chilians as they left the line of the Oroya Railroad to embark for home, he would have had little to contend with in Lima. The delay gave time to perfect the accord with Pierola and to strengthen the Government, as well as to banish the most influential of Caceres' adherents.

It is difficult to form conclusions as to what is likely to result from this triumph of Iglesias, but it might naturally be expected to lead to a protracted civil war were it not for the uncertainties arising in the intrusion of Pierola into the problem.

The plans of that clever leader must be understood as a basis for judgment, and of these the public knows very little indeed.

The Government, however, has already entered upon a course of fines and imprisonment not likely to conduce to harmony, or peace, or confidence, or even to a permanent government.

The city and surrounding country have been orderly and quiet since the day of the fight, but apprehension and sadness and stagnation have full possession.

I am, &c.,

S. L. PHELPS.

No. 298.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 136.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 10, 1884. (Received October 9.)

SIR: The Government, since its triumph of the 27th ultimo, has apparently been gaining in strength and in adherents.

* * * * * * *

The Government is now in possession of Icà. The port of Mollendo is closed to shipping by order, and the English steamship company, about the only ship-owners in interest, submit to the paper blockade.

As the Government exercises a rigid scrutiny of cablegrams, no news from Arequipa can reach us, Mollendo being closed, and we know nothing of what is being done in that stronghold of Caceres. A story was in circulation that the general is lying dangerously sick at a hacienda in the interior, but it is probably false.

Fifteen hundred troops, accompanied by the Secretary of War, have gone by sea to the north to *pacify*—using the expression common here—that section of the country; in other words, to depose Dr. Puga and establish the power of the Government.

Troops have also gone to Junin, in the interior, from here.

A strict censorship of the press completely cuts off information from the public, and we hear nothing of late of events outside of Lima, or, at least, nothing which the Government does not wish should be known.

What must be regarded as accidental, or, perhaps, more correctly, as a success due purely to want of intelligent command in General Caceres on the 27th of July, has apparently greatly changed the face of affairs over the larger part of Peru. We can only hope as yet that it has been for the best.

I have, &c.,

S. L. PHELPS.

No. 299.

Mr. Phelps to Mr. Frelinghuysen.

No. 138.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 17, 1884. (Received October 14.)

SIR: The Government has so far fully succeeded in preventing information of its military operations and political acts, away from the capital, from reaching the public. Two weeks have elapsed since the force went north, and nothing is so far known of its operations. The censorship of the press is closely maintained.

I had information from Arequipa indirectly a few days since. Up to that date all was quiet and business entirely arrested by the stoppage of commerce at Mollendo, which port is still subject to a paper blockade.

Caceres, it is supposed, is now there.

In Lima all remains quiet and orderly, but all its industries, like those of all Peru, are prostrated, and seemingly not soon to be re-established.

I have, &c.,

S. L. PHELPS.

No. 300.

Mr. Phelps to Mr. Frelinghuysen.

No. 139.] LEGATION OF THE UNITED STATES,
Lima, Peru, September 24, 1884. (Received October 14.)

SIR: Since my last communication the Government has largely concealed its doings from the public. Soldiers in some force have been sent over the mountains in the direction of Huancayo, where, as I learn from an American recently arrived, there were 800 very well-armed and disciplined troops of Caceres, being a reserve force not engaged in the fight in this city on July 27. No doubt the existence of that force accounts for the activity in sending men in that direction.

On the 6th of September Caceres, being at Ayacucho, issued a proclamation stating his purpose to continue war against Iglesias; says he will be at the head of a respectable army in Arequipa, and will renew the war from thence. He must be a man of some power since all who come in contact with him believe in his capability and destiny. I notice this in case of the foreigners employed on the trains captured by Caceres.

In the north it is said Puga is prepared to resist the Government force, but our knowledge in that regard is meager.

In Lima and vicinity quiet and peace reign, except for suspects and those against whom the Government gets information, but confidence does not increase and hopes for the future do not brighten.

I have, &c.,

S. L. PHELPS.

No. 301.

Mr. Phelps to Mr. Frelinghuysen.

No. 145.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 1, 1884. (Received October 27.)

SIR: The political situation has not changed materially since the 24th ultimo.

The Government forces in the north, it is reported, have suffered reverses at Pocasmayo, and Dr. Puga is out with a proclamation setting forth his purpose to defend Trujillo and maintain the Caceres standard in the north.

From trustworthy sources it is learned that Puga has cast field guns from church bells, and otherwise prepared for the attack upon Trujillo, and that he has from 1,200 to 1,500 armed men. There are reports of the defeat of a second force of Government troops sent to Pacasmayo. At the same time it is announced that the troops will march against Puga at once.

Much for the future of the Iglesias Government will depend upon the issue of the fight.

At Puno the commander of the Government forces, in emulation of like doings at Ica and other places occupied, has levied military fines upon all persons sympathizing, or supposed to sympathize, with Caceres, and who have property, the fines being in varied amounts per individual, up to 20,000 silver soles.

Mr. Clark, consular agent at Puno, has been fearful of an assessment upon him. The people of Trujillo are reported to have been firmly

united for the defense of their city under Puga in consequence of these military persecutions by Government troops at other places and the fear of heavy exactions upon them should the Government obtain possession.

It is also said that Caceres has been enthusiastically received at Arequipa, and that 1,800 armed men awaited his arrival.

Wherever the Government troops are in well-established possession there order exists, although coupled with something like terrorism.

I have, &c.,

S. L. PHELPS.

No. 302.

Mr. Phelps to Mr. Frelinghuysen.

No. 148.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 6, 1884. (Received November 4.)

SIR: I have the honor to transmit herewith copies of a report by the consular agent at Pacasmayo of the murder, by a soldier of the Iglesias Government, of Owen Young, an American citizen, at the hacienda of "Tecapa," and of my letter to the minister of foreign affairs regarding the same. * * *

Very respectfully, &c., S. L. PHELPS.

[Inclosure 1 in No. 148.]

Mr. Kauffman to Mr. Phelps.

UNITED STATES CONSULAR AGENCY,
Pacasmayo, September 30, 1884.

SIR: The object of the present letter is to inform you of a circumstance that occurred in this vicinity, and of the death of Mr. Owen Young, an American citizen, a native of the State of Georgia.

During the late movements of the forces of the Iglesias Government and the Montoneros, under command, or in the interest, of Puga, the Montoneros made their rendezvous in the hacienda "Tecapa," where the deceased has been living for a number of years past in a little house belonging to himself, in a field some distance from the buildings of the plantation and near the railway. The deceased was engaged in planting rice, corn, and having, also, contracts for supplying wood for the use of the Pacasmayo Railway.

On September 27 a skirmish took place between the troops of Iglesias and the Montoneros at a distance of nearly a mile from the house of the deceased. The Montoneros were forced to retire, and retreated in the direction of and passing the house of Young. When the troops of Iglesias came to the house they commenced beating a Chinaman servant of Mr. Young, who then came out of his house and remonstrated with the soldiers, saying that the Chinaman was his servant and had nothing to do with the Montoneros. A soldier on horseback then addressed Young, saying in effect that *he had consented to the Montoneros being in that vicinity and was as bad as any of them.* Without awaiting any reply and without any act of resistance or hostility on the part of Young, the soldier shot him through the chest, causing instant death.

The persons who witnessed the act are the following: Acha (Chinaman), Santiago Marchiná, Manuel Contreras, José Arroyo, Pedro Ascurra, Paula Huanila, Angel Pairasaman, Francisco Ascurra, and Miguel Espinoza, and all of them are ready and willing to testify to the facts as substantially stated by me.

Mr. Young was an honest, peaceable, industrious man, respected and esteemed by all who knew him. He has lived in Peru a number of years, and leaves two children, now grown up; also some property. At the time he was shot the American flag was hoisted over his little house, to indicate his neutrality.

I am, &c.,

B. H. KAUFFMAN.

[Inclosure 2 in No. 148.]

Mr. Phelps to Mr. Urrutia.

LEGATION OF THE UNITED STATES,
Lima, Peru, October 6, 1884.

SIR: From the inclosed copy of a report received from the United States consular agent at Pacasmayo, your excellency will learn of the particulars attending the murder, at the hacienda of "Tecapa," of Owen Young, an American citizen, by a soldier of the Government of Peru.

The circumstances, as detailed, show it to have been a most cruel and barbarous murder, and aggravated in character by the fact that the American flag was flying over the house in front of which the crime was committed, testifying to the nationality and right of protection of the murdered man.

The witnesses, whose names are given, are ample in number, and are Peruvians and foreigners.

It becomes my duty respectfully to request that your excellency's Government will promptly direct an immediate and full investigation of the case to be made, to the end that the soldier guilty of the crime may meet quick punishment and the family of the murdered man receive justice at the hands of the Government.

I avail, &c.,

S. L. PHELPS.

No. 303.

Mr. Phelps to Mr. Frelinghuysen.

No. 149.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 9, 1884. (Received November 4.)

SIR: The Government is expecting information to-day or to-morrow of the result of the movement of its forces against Trujillo, where the Caceristos have been awaiting attack, but they had meanwhile revolted against Dr. Puga, deposing him, and calling one Elias to the chief command. This is said to have strengthened them with the people of Trujillo, who had become greatly dissatisfied with Puga while opposed to this Government and in entire sympathy with Caceres. Elias is one of the men recently banished by the Government from Lima. He is said to have 1,600 men with few rounds of ammunition, and the Government 1,800 men with abundance of supplies.

Beyond the fact that Caceres had reached Arequipa and had been well received we have little intelligence from the south of Peru.

The closing of the port of Mollendo is still effective, but the merchants there have published a protest.

Constant accounts of pillaging, robberies, murders, and other atrocities reach us from all quarters of the country, but Lima and vicinity are perfectly quiet and orderly.

I am, &c.,

S. L. PHELPS.

No. 304.

Mr. Phelps to Mr. Frelinghuysen.

No 154.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 22, 1884. (Received November 15.)

SIR: The movements of the Government forces in the north of Peru culminated on the 10th instant in the capture of Trujillo, about five hundred of the combatants having been killed and wounded. Repulsed

in the first attack the commander of the Government troops, Lorenzo Iglesias, brother of the President, appears, beyond doubt, to have encouraged his men to renew the attack on the 10th instant by a promise of several hours' of pillage, and the city was the scene of destruction and plunder accordingly. An American citizen, robbed of money, in his claim refers, as a witness of the act, to the commander of regiment No. 9, to whom appeal for protection was made. There was a small fight at Chiclayo last week. Puga, who was deposed by his officers from the command at Trujillo and was thought to have fled the country, now turns up in the interior in command of four hundred men. There are other people in arms, but mostly are to be regarded as marauding bands, hostile to peace and government. In the interior it would seem that the Government is extending its limits of control, although bands of armed men spring up in unaccountable ways in every direction. A commission has gone, or is to go, south, ostensibly to treat with Caceres, the Government being wholly unequal to an attack upon him at Arequipa. It is altogether probable the purpose of the commission is quite as much to discover and to foment dissensions in that section as to propose terms for a settlement of the unhappy strife in the country. We are favored with long lists of fines imposed by the military commanders upon the inhabitants of towns occupied, and it may be safely asserted that a Government without an influential following in the country—without popularity or public confidence, supported largely by the recent national enemy in supplies of arms, clothing, munitions, &c., and enabled to maintain itself through the general prostration, is pursuing a risky course for the restoration of peace and the consolidation of its power. The events of Trujillo have unquestionably produced a most unfavorable impression in the country and weakened the Government.

I have, &c.,

S. L. PHELPS.

No. 305.

Mr. Phelps to Mr. Frelinghuysen.

No. 165.] LEGATION OF THE UNITED STATES,
Lima, Peru, October 29, 1884. (Received November 25.)

SIR: Inclosed is a copy and translation of the affidavits of the persons who witnessed the murder of Owen Young.

The minister of foreign affairs has assured me that the matter will receive prompt attention by the official near the scene of the act.

I have, &c.

S. L. PHELPS.

[Inclosure in No. 165—Translation.]

IN THE HACIENDA OF TECAPA, *October* 13, 1884.

We, (Asiatico) Achá, Santiago Marchená, Manuel Contreras, José Arroyo, Pedro Ascurra, Paula Huanila, Angel Pairasaman, Francisco Ascurra, and Miguel Espinosa declare, that we were present in that part of the hacienda Tecapa, known as the rancho of Mr. Young, on the 27th of the month of September of the present year one thousand eight hundred and eighty-four, during the encounter at arms which took

place at that hacienda between the Montoneros, or revolutionists, and the forces of the Government of Lima.

We declare that after the rout and flight of the Montoneros we saw the late Don Owen Young alive and well, and that on the arrival of some soldiers of the Government force at the house or rancho of said gentleman, they commenced to maltreat the Asiatic Achá, servant of Mr. Young, and when said Young said to them "they ought not to maltreat his servant," one of the soldiers of cavalry gave him a shot from his rifle; the ball entered the breast of Mr. Young and killed him instantly.

We declare, that the late Don Owen Young gave no cause whatever, neither by act nor word, by which the soldier might have been provoked to proceed in the manner he did.

Moreover, the late Young had at the instant hoisted above his rancho an American flag, a sign that he was neutral and was not taking part with either one of the contending parties.

We swear, by the sign of the Holy Cross and in the name of God, who will judge us, that this declaration is true in all its parts.

ACHÁ.
SANTIAGO MARCHENA.
ANGEL PAIRASAMAN.
MIGUEL ESPINOSA.
FRANCISO ASCURRA.
PEDRO ASCURRA.
PAULA HUANILA.
JOSÉ ARROYO.
MANUEL CONTRERAS.

Witnesses—
FRANC'O J. OYANGUREN.
JORGE YOUNG.
B. MORANTE.

I, B. H. Kauffman, United States consular agent for Pacasmayo, do hereby certify that the foregoing declaration duly made under oath before me by Achá (Chinese), Santiago Marchena, Angel Pairasaman, Miguel Espinosa, Francisco Ascurra, Pedro Ascurra, Paula Huanila, José Arroyo and Manuel Contreras, referring to manner of death of Owen Young, was made and signed at the free will of the parties named, each having taken oath before me to the truth of the statements therein contained, at the place and date mentioned.

In testimony whereof I have hereunto set my hand and affixed the seal of my office, Pacasmayo, Peru, on the thirteenth day of October, one thousand eight hundred and eighty-four.

[SEAL.]

B. H. KAUFFMAN,
Consular Agent.

No. 306.

Mr. Phelps to Mr. Frelinghuysen.

[Extract.]

No. 175.] LEGATION OF THE UNITED STATES,
Lima, Peru, November 17, 1884. (Received December 16.)

SIR: I have the honor to inclose a copy of a letter to the minister of foreign affairs, relating to the murderer of Owen Young.

No apparent effort has been made to apprehend him after a lapse of seven weeks, the man being in the ranks of the army in the north, and within the reach of the authorities at any moment.

A reminder indicative of a purpose to insist upon the apprehension of the guilty party has seemed to me necessary under the circumstances.

* * * * * * *

I have, &c.,

S. L. PHELPS.

[Inclosure in No. 175.]

Mr. Phelps to Mr. Urrutia.

LEGATION OF THE UNITED STATES,
Lima, Peru, November 14, 1884.

SIR: On the 6th ultimo I had the honor to address your excellency respecting the murder, at the hacienda of Tecapa, of Owen Young, a citizen of the United States, by a soldier of the Government of Peru.

It would have given great satisfaction to my Government could I have reported that a prompt apprehension and conviction of the murderer had been secured by the Government of Peru, and I have been anxiously anticipating intelligence of that character from your excellency.

There can be no difficulty whatever in the case.

There are soldiers, and probably officers, who saw the deed done, while the subprefect at Pacasmayo was informed by our consular agent of a person who knew the culprit.

It is a painful but imperative duty to press this matter upon your excellency's attention, and I now do so in the hope that prompt intelligence may be given me that the murderer has been apprehended, tried, convicted, and executed.

I beg, &c.,

S. L. PHELPS.

No. 307.

Mr. Phelps to Mr. Frelinghuysen.

No. 181.] LEGATION OF THE UNITED STATES,
Lima, Peru, December 1, 1884. (Received December 25.)

SIR: I have the honor to enclose you a letter and translation from his excellency the minister of foreign affairs, in reference to the killing of Mr. Owen Young, an American citizen, at the hacienda of Tecapa at Pacasmayo.

His excellency mentions that orders have been given for the prompt trial and conviction of the soldier who committed the deed.

I have, &c.,

S. L. PHELPS.

P. S.—Since writing this letter I have received from the Minister for Foreign Affairs a communication in reference to the murder of Mr. Owen Young, which I inclose with translation.

[Inclosure 1 in No. 181.—Translation.]

Mr. Urrutia to Mr. Phelps.

MINISTRY FOR FOREIGN AFFAIRS,
Lima, November 22, 1884.

SIR: In reply to your esteemed letter of yesterday I have the honor to inform your excellency that I have given the most peremptory and effectual orders to bring to trial and duly punish the soldier who, according to the information given by the United States consul at Pacasmayo, assassinated Mr. Owen Young, an American citizen, on the farm of "Tecapa," in the department of Caxamarca.

When information has been received of the arrest and submittal to trial of the delinquent, I shall be happy to inform your excellency of the same.

I take this opportunity, &c.,

BALTAZAR GARCIA URRUTIA.

[Inclosure 2 in No. 181.—Translation.]

Mr. Urrutia to Mr. Phelps.

MINISTRY FOR FOREIGN AFFAIRS,
Lima, December 1, 1884.

SIR: The minister of justice has addressed me, under date of 28th November last, the official communication which follows:

"A copy of the official communication of your excellency, dated the 26th of the present month, requesting that you may be informed respecting the condition of the judicial proceedings in regard to the assassination of the citizen of North America, D. Owen Young, which took place at the hacienda of 'Tecapa,' and also respecting the making of an inventory of the effects of the deceased, has been sent to the superior court of the district of Libertad and Lambayeque, and directly to the judge of first instance of the province of Pacasmayo, in order that on the return of the steamer the data asked for may be remitted."

Which I have the honor to transmit to your excellency in reply to your esteemed communication dated the 14th of November last.

I take advantage, &c.,

BALTAZAR GARCIA URRUTIA.

PORTUGAL.

No. 308.

Mr. Francis to Mr. Frelinghuysen.

[Extract.]

No. 103.] LEGATION OF THE UNITED STATES,
Lisbon, December 22, 1883. (Received January 9, 1884.)

SIR: The Diario do Governo of the 15th instant, contains a printed copy of a contract just made by the Portuguese Government for the construction of a railroad from the port of Lourenço Marques, which will traverse the extreme southern portion of the Portuguese province of Mozambique, east coast of Africa, to the frontier of the state of Transvaal, in the immediate vicinity of Pretoria, its capital, a distance of about 50 miles.

This concession is granted to an American citizen, Mr. Edward McMurdo, in behalf of an association composed in part of Mr. George S. Sedgwick and other citizens of the United States, who, it is understood, have associated with them a number of foreign capitalists in the enterprise. The concessionaire binds himself to have the road completed and in running order within three years of the date of the concession, which is for ninety-nine years. The sum of £5,000 has been deposited with the Portuguese Government as forfeiture money in the case, and another deposit of £10,000 is to be made within a specified date to assure the carrying out of the contract.

Liberal grants of land are made to the railroad company as bonus, amounting to 250,000 acres, and also a zone on either side of the road of 500 meters, with land for docks and stations, and forest timber for construction, &c. The company is accorded freedom from taxation and freedom from customs on all material for the use of the road during a period of fifteen years.

The port of Lourenço Marques, on Delagoa Bay, considered the finest and safest on the eastern coast of Africa, had been claimed by the

British Government in its entirety, or at least in joint occupancy with Portugal, the latter, however, resisting the claim on the ground of prior discovery. These differences were submitted in 1873 to the arbitrament of the French Republic, and in 1875 President McMahon confirmed the right of possession to the Portuguese.

In 1879 a convention was entered into between Portugal and Great Britain by which the latter bound itself to construct a railway over the same route as now proposed by the new concession, the road to be international. This convention was signed by Senhor Corvo, the Portuguese minister of foreign affairs at that time, and Mr. Morier, the then British minister at Lisbon; but such was the dislike in the public mind to the proposed concession to British interests and convenience that it was virtually rejected by the Cortes, which failed to take up the convention when it was presented for their approval.

* * * * * * *

At present the entire commerce of the port of Lourenço Marques amounts to less than $300,000 annually. But it is assumed that the proposed railroad now contracted for, connecting with other projected roads traversing the great Transvaal region and securing a development of its rich mineral and other resources, will create a great and important volume of commerce from this port. At all events, there is reason for congratulation that by means of the road to be constructed over Portuguese territory to the Transvaal that great region will be thrown open to the civilizing influences of commerce, as it is also a source of satisfaction that the promised amelioration of Central Africa will be largely due to the courage and enterprise of citizens of the United States.

I have, &c.,

JOHN M. FRANCIS.

No. 309.

Mr. Francis to Mr. Frelinghuysen.

No. 105.] LEGATION OF THE UNITED STATES,
Lisbon, December 29, 1883. (Received January 16, 1884.)

SIR: Portugal has made considerable and commendable progress in educational achievement during the past fifteen years.

A stimulus was given to this paramount interest of the state in 1869 by the testamentary appropriation of a large sum—£150,000, I am informed—by the late Count Ferreira, of Oporto, for charitable and educational purposes in this kingdom. This included provision for the construction of one hundred and twenty school-houses in needy districts.

Then the Government directed its efforts with more efficiency than ever before to the important duty of making additional provisions for the education of the children of the state.

Primary instruction as now existing in Portugal is based upon the decree of May 2, 1878, modified somewhat by subsequent legislation. The primary schools are intended for the instruction of children of both sexes, and are divided into two classes, namely, primary and advanced primary. They are for the most part under district control, and sustained by district contributions. Attendance at the primary schools is obligatory, unless evidence is adduced that the children receive instruction at home or reside at a greater distance than 2 kilometers from

the public school. In case of non-attendance without the above valid excuses, parents or guardians are subject to fine. The primary schools are intended for all children from six to twelve years of age. As a rule every parish must have an elementary school, but in cases where the children of adjoining parishes do not exceed sixty in number, then one school may be organized for two or more parishes.

The parochial authorities are required to furnish house, books, and furniture for the school and residence for the teacher, and to pay the latter 100 millreis annually in rural districts, 120 in towns, and 150 in Lisbon and Oporto. In addition to this compensation, the teacher is entitled to 5 cents monthly for each pupil under his instruction, and 2 millreis for each pupil passing successfully the final examination in the elementary branches, and further, for every six years of acceptable service an advance of 25 per cent. on the salary. There is also a pension system of small allowance for "retired teachers."

In the primary school boys are taught reading, writing, arithmetic, elements of grammar, of the metrical system, rudiments of drawing, "moral and Christian doctrine"—the latter excepted in the case of children not Catholics. The same tuition for girls with the addition of needle-work. Mixed schools are to be instructed by married teachers, a lady to teach needle-work. Boys may be taught by teachers of either sex.

In each district there shall be *an advanced primary school*, to be sustained by the municipality thereof; teachers of these schools to be paid at least 180, and in Lisbon and Oporto 200 millreis per annum, receiving also 2 millreis for every pupil passing into a higher school. The "advanced primary" teaching for boys includes: 1, reading and recitation in prose and verse; 2, writing and written exercises; 3, arithmetic and elementary geometry; 4, grammar; 5, legal system of weights and measures; 6, elements of cosmography, geography, and Portuguese history; 7, sketching; 8, moral and sacred history; 9, elements of hygiene; 10, elements of agriculture; 11, gymnastics; 12, choral singing; 13, rights and duties of citizens. For the female sex same as above from 1 to 9, inclusive, with lessons upon the duties of a mother; also embroidery, making patterns, taking measures, and lace and flower work. There shall be a regular assistant for every sixty pupils. The municipalities are to appoint the teachers and pay them.

There should be in Lisbon and Oporto two normal schools for qualifying teachers of either sex. Each school shall have forty pupils of either sex, who shall be entitled to 7 millreis monthly for maintenance, the same to be paid by the district. There shall be in other districts, normal schools of the second class to the number of ten. The state will appoint and pay inspectors and subinspectors.

In towns having more than one school, the municipality is authorized to establish "central schools," with three or four teachers for each one. The establishment of evening and Sunday schools for adults is enjoined upon the various municipalities as a duty. In every district there shall be a school committee to aid the municipality, and in every parish a parochial delegate. There shall be conferences of teachers in each district annually.

The Government will give annually prizes of 100 and 200 millreis to students; it will provide books by public competition every five years. It will aid the parochial assemblies in the creation of a school fund to assist the municipalities in the payment of teachers, in the establishment of evening and Sunday schools, in the establishment of "kindergartens" for children, to enlarge educational institutions, to establish

libraries, and to bestow prizes upon the deserving teachers and worthy pupils, to secure pensions for poor scholars who may enter the normal schools, to provide proper instruments for instruction in the natural sciences, &c.

Secondary instruction is given in institutions of three classes according to the decree of June 14, 1880, namely, central lyceums, national lyceums, and secondary municipal schools.

There is a central lyceum in Lisbon, in Oporto, and in Coimbra; in the capitals of other districts there is a national lyceum. All these are supported by the state. Other municipalities may upon petition open secondary municipal schools, they paying two-thirds and the state one-third of the cost of their support. The object of these lyceums is to prepare pupils for admission into schools of superior instruction. The course in the central lyceum embraces: (1) Portuguese language; (2) French language; (3) Latin; (4) geography, cosmography, universal and natural history; (5) architecture, geometry, algebra, bookkeeping; (6) elements of physics, chemistry, and natural history; (7) elements of civil legislation, of Portuguese law, and political economy; (8) drawing; (9) national literature; (10) natural and moral philosophy and laws of nature; (11) algebra, geometry, and trigonometry; (12) physics and chemistry; (13) Latin; (14) Greek; (15) English; (16) German.

There are taught in the scondary schools: (1) Portuguese; (2) French; (3) arithmetic and geometry; (4) drawing; and there may be one or two professional chairs. No pupil under ten years of age is to be admitted to the lyceums.

No school for private instruction by individuals can be opened without informing the supervisor of the district.

The teachers of central lyceums shall receive an annual salary of 600 millreis; of the national lyceums 500; the rector of the central lyceums, 200; of the national lyceums, 150, and the teachers of secondary municipal schools, 200, with some additional fees for scholars and upon successful examination of latter.

The centers of superior education are Lisbon, Oporto, and Coimbra. The university at Coimbra has faculties of law, theology, mathematics, medicine, and philosophy or natural sciences.

In Lisbon there are the polytechnic school, the army and navy medical and surgical schools, school for superior course of literature, commercial and industrial school, general institute of agriculture, and an academy of fine arts.

There exist in every diocese of the Kingdom institutions for ecclesiastical learning.

At Oporto there are a polytechnic academy, an agricultural college, and an academy of fine arts. Near Cintra there is also an agricultural college with an experimental farm.

I have presented an analysis of the laws on the subject of education in Portugal. The system embraces a wide and extended field, with a great deal of machinery for its working, and, though it is imperfectly operated in many cases, the fact is conceded that decided educational advancement has been made in this Kingdom since the enactment of those laws.

No reliable statistics of the attendance of children at the public primary schools can be obtained. I have seen a statement that in 1875–'76 (before the adoption of the existing law enforcing attendance) there were in the Kingdom and adjacent islands 141,466 children attending school. This, I am assured, was incorrect, and to my inquiries in regard

to the number now in attendance I am told in the proper official department that no statistics can be furnished which would be other than vague estimates.

It is a truth, however, that the want of school-houses is severely felt throughout the Kingdom, that those existing are uncomfortably crowded, and that in the city of Lisbon the want is painfully felt. However, gradually, but too slowly it is feared, buildings are provided for this purpose to meet the growing necessity.

The criticism I have heard pronounced upon the educational system of Portugal is that it expends its greatest forces upon higher education and fails to provide as good schools as should be maintained for elementary instruction.

As to expenditures for education by the Government (not including the larger local contributions for this purpose), it may be stated that under the head of "public instruction" there was appropriated in the budget of 1883–'84, 934,762 millreis for the following purposes:

	Millreis.
(1) Primary instruction	190,177
(2) Secondary instruction	179,649
(3) Special instruction	59,944
(4) Superior instruction	257,999
(5) Academies	246,993
	934,762

(1) Refers to district schools and teachers; (2) to certain specified advanced schools and teachers; (3) galleries of fine arts (opera-house); (4) universities (Coimbra, Oporto, Lisbon); (5) academy of sciences, school of fine arts, Government printing establishments, &c., all of which are specified in the budget.

I have, &c.,

JOHN M. FRANCIS.

No. 310.

Mr. Francis to Mr. Frelinghuysen.

[Extract.]

No. 107.] LEGATION OF THE UNITED STATES,
Lisbon, January 5, 1884. (Received January 21.)

SIR: After a brief prorogation from the 29th December, His Majesty Dom Luiz opened on the 2d instant the new session of the Cortes with all the form and ceremony invariably observed on this important occasion.

I have the honor to inclose a copy of His Majesty's speech delivered at the opening of the Cortes, with a translation thereof, and enumerate briefly such of His Majesty's remarks as appear to me important.

His Majesty mentions the continuance of friendly relations with foreign powers; alludes to the recent conclusion of a treaty of commerce with Spain; speaks with gratitude of the reception His Majesty and family met with on their recent visit to that Kingdom, and as well for the universal evidence of sympathy exhibited for his son during the prince's recent journey.

His Majesty enumerates various projects of law and conditional contracts which were under discussion during the late session; among them are prominent the measures tending to constitutional reform, and several concessions for railways, that of Lourenço Marques, which formed the subject of my No. 103, being mentioned in common with others.

His Majesty further announces the intended presentation to the Cortes by his Government of other important measures, such as the revision of the penal code, the reform of prison discipline, the work of improving the port of Lisbon, the reform of the military system, and finally the financial condition of the country.

* * * * * * *

The prime minister, Senhor Fontes, at the session of the Cortes to-day presented the annual budget for 1884–'85, which I summarize as follows:

	Millreis.
Estimated ordinary expenditures	31,967,000
Estimated ordinary receipts	31,095,000
Showing a deficit of	772,000

To meet extraordinary expenditures Senhor Fontes asks for authority to borrow 4,500,000 millreis.

The deficit of 1882–'83, which was estimated at 917,000 millreis, is now ascertained to amount to 1,000,000 millreis.

I have, &c.,

JOHN M. FRANCIS.

[Inclosure in No. 107.—Translation.]

KING'S SPEECH ON OPENING SESSION OF THE CORTES.

Worthy Peers of the Kingdom and Deputies of the Nation:

In fulfillment of the requirements of the constitution of the monarchy, I come with pleasure before the national representatives to open the legislative session of the present year.

Our good relations with foreign powers are without change.

In the interests of our commercial relations my Government concluded a treaty with that of his Catholic Majesty, in which an effort was made to protect the interests of Portugal. My minister of foreign affairs will bring it before the Cortes, and I hope it will receive your approval.

After my visit to the adjoining Kingdom, accompanied by my beloved consort, to thank their Catholic Majesties for the visit which in the previous year they had made to Portugal, this day is the first opportunity I have had to speak of this fact before the national representatives, and I avail myself of the occasion to declare how thankful I am for the unequivocal proofs of friendly feeling which I received while there, not only from the sovereigns, but also from the Spanish people, as shown to my person, to my family, and the Portuguese nation. These proofs of reciprocal sympathy, while they attest the mutual independence of the two countries, contribute to the consolidation of the ties which unite them in the interests of their business relations.

The demonstrations of which the queen was the object during her journey call for equally sincere gratitude on my part.

Having in view the completion of my dear son's education I directed that he should visit various countries of Europe. During this journey now terminated, the prince received in the various courts he visited such cordial reception from their respective sovereigns that it calls for my public acknowledgments. I also here record my most grateful memory of the sympathy with which he was entertained by many private individuals of different nations.

Public tranquillity has been maintained, and the renewal of the administrative bodies throughout the Kingdom was effected with order.

There remained undiscussed at the close of the last session of the Cortes various projects of law, the most important of these being the reform of the charter and the electoral law. Above all others I call your attention to these, that measures of such importance may be sanctioned by the Parliament with that emphasis which the patriotism of all may give them.

Employing the power granted, my Government lately contracted a loan to meet the extraordinary expenses of the state. My minister of finance will give you an account of this transaction and the conditions under which it was made.

During the last recess concessions were made by public competition for the construction of the Beira Baixa, of the Foz Tua to Mirandella, and of the branch to Vizeu, railways. The concession for the termination of the railway system of the south and southwest was not granted, although it was offered for public competition; accordingly the work on these lines has been undertaken by the state. The Government will lay before the Cortes the acts to which I refer, some of which require legislative sanction. My Government has also concluded with the Royal Company of Portuguese Railways the final contract for the construction of the railroad from Torres Vedras to Alfarellos and Figueira. An agreement has been come to between that company and the Beira Alta Company—which has received the approval of the Government—by which the branch to Coimbra will be undertaken by the former company; the latter withdrawing its claim to the construction of the branch to Alfarellos.

Of various other measures made public by the different ministries employing administrative authority, an account will be given you in due time. The concession for the construction of the new port at Leixões was offered for public competition in conformity with the terms of the law.

In virtue of power granted by Article 15 of the additional act of the charter, various measures of a legislative character were adopted during the recess. The most important referred to the building of a railroad from Lourenço Marques to the frontier of the Transvaal. All of these measures were submitted to the Cortes on one of the last days of the recent session.

Some proposals with reference to subjects of public administration will be presented to you by my ministers, and I mention among them the revision of the penal code, the additional enactments indispensable to perfect the penitentiary system, the improvement of the port of Lisbon, and army reform. With these and all others pending, you are sure to occupy yourselves with your accustomed devotion.

The finances as ever demand the serious attention of the public authorities, and within the prescribed time there will be presented to you by the respective ministers the budget of receipts and expenditures, as well as various projects of law intended to improve the financial condition of the country. The maintenance of credit denotes the confidence which capital feels in the resources of the nation. With the diminution of certain taxes, which by this measure will become more productive, and by some other measures to be presented to you, with a scrupulous and well-considered economy, my Government is confident that it may establish equality between the ordinary receipts and expenditures.

The subjects to which I have invited your attention, and which are subject to your disposal during the present session, are the most serious that can be considered by a parliament. However, they are not superior to your wisdom and to your devotion.

The confidence with which you inspire me is at least equal to the serious task you have to discharge.

With this confidence, and convinced of your patriotism, and trusting in Divine Providence, we shall co-operate in preparing the measures intended to secure the continuance of peace and the future development of the country. I declare the session opened.

No. 311.

Mr. Francis to Mr. Frelinghuysen.

No. 117.] LEGATION OF THE UNITED STATES,
Lisbon, March 5, 1884. (Received March 24.)

SIR: I have the honor to submit the following *résumé* of the condition of Portuguese finances and of the "ordinary budget" for the year 1884–'85, which was presented by Senhor Hintz Ribeiro, minister

of finance, to the Cortes, on the 5th of January last, together with the estimates of public receipts and expenditures for that period:

Department.	Expenditures.	
	Millreis.	*Dollars.*
Junta of public credit	13,093,678	14,191,172 00
Ministry of finance	2,206,160	2,382,652 00
Ministry of interior	2,201.574	2,377,699 00
Ministry of justice	639,814	690,999 00
Ministry of war	4,588,000	4,955,040 00
Ministry of marine and colonies	1,776,000	1,918,080 00
Ministry of public works	2,831,000	3,057,480 00
Ministry of foreign affairs	330,000	356,400 00
	.....	34,524,537 00

Source.	Receipts.	
	Millreis.	*Dollars.*
Direct taxes	6,280,890	6,783,361 00
Stamps and registration	3,248,600	3,508,488 00
Indirect taxes and customs	16,171,210	17,464,906 00
Additional tax	1,057,000	1,141,560 00
Sale of national domain and miscellaneous receipts	3,336,520	3,603,441 00
Repayment and sundries	1,100,817	1,188,882 00
	.....	33,690,639 96
Deficit	.....	833,897 16
		34,524,537 12

A statement of the expenditures as estimated in detail, together with the most important items of anticipated revenue accompanies this dispatch. The latter is especially interesting as illustrating the extent and resources of taxation in this Kingdom.

From a report laid before the Cortes by the minister of finance on the 16th February ultimo it appears that the ordinary and extraordinary expenses of the Kingdom during the year 1883-'84 exceeded the estimates by the sum of 1,716,000 ($1,853.28 millreis), while the revenue was $259,200 less.

It appears from an official statement recently made to the Cortes by the minister of finance that the funded debt of this Kingdom was as follows:

June 30, 1883		$465,320,494
Floating debt	$12,380,000	
Charges thereon, interest, &c	1,209,297	
Extraordinary expenses	4,414,120	
	18,005,417	
Loans already made (sanction for which is asked of the Cortes) to liquidate floating debt, &c. ($18,005,417), and to defray other expenses		38,880,000
Total debt of Portugal		504,200,494

During the last decade the increase of the public debt of this Kingdom has been fully $180,000,000. It should be stated in extenuation, however, that railroad and other important public improvements completed by the Government within the period named represent a larger sum than this augmented public indebtedness.

Notwithstanding the annual deficits in the budgets of the Kingdom and the steady increase of the public indebtedness—now quite as large, per capita, as is that of Great Britain—it is a fact that the public credit of Portugal is quite steadily sustained. Its 3 per cent. securities at the ruling rates stand about 52, showing an interest of considerably less

than 6 per cent. which the Government has to pay upon its loans, the latter, however, bringing to the treasury little more than 50 per cent. of the amount of debt incurred.

It is conceded by prudent statesmen and thoughtful business men here that the debt of Portugal is now quite as heavy as can be borne by this people and that any material increase of the burden would involve grave peril to the public credit—already sufficiently strained—and to the business interests of the country.

The minister of finance makes a recommendation to the Cortes that the tax on salt consumed in the Kingdom be reduced from 8 to 3 reis a litre, and that the tax on imported alcohol be reduced from $2.16 a decalitre ($2\frac{1}{5}$ gallons) to $1.29.

An export duty of 1 per cent. is now imposed upon gold and silver coin. A proposition to suspend this duty at the discretion of the Government has been unanimously accepted in the House of Deputies, and will no doubt be enacted into law.

I have, &c.,

JOHN M. FRANCIS.

[Inclosure in No. 117.]

Statement of January 5, 1884, showing the estimated sources of the most important items of revenue, and the detailed expenditure for the financial year 1884–'85, as stated in the "ordinary budget" presented to the Portuguese Cortes by the minister of finance.

TOTAL EXPENDITURES AS ESTIMATED.

JUNTA OF PUBLIC CREDIT.

	Millreis.
Charges on debt held in Portugal:	
Pay to members of the Junta and employés	33,830
Interest on obligations of the Government in circulation	6,208,688
Interest on obligations in the treasury	65,459
Sinking fund	3,670
Various charges	9,600
Charges on debt held abroad:	
Expenses of the financial agency in London	16,244
Interest on obligations of the Government in circulation	5,799,414
Interest on obligations in possession of treasury	98,967
Various charges	19,000
Administration of the Junta	38,804
	$14,191,172

FOREIGN AFFAIRS.

	Millreis,
Department expenses	21,700
Diplomatic corps	118,000
Consular corps	69,000
Eventual expenses (secret service)	101,000
Decorations	2,000
	$356,400

MINISTRY OF JUSTICE AND PUBLIC WORSHIP.

	Millreis.
Department expenses	38,000
Bishoprics	134,000
Court of cassation	37,000
Court of appeals	70,000
Tribunals	77,000
Prisons	129,000
Subsidies to nuns	2,000
Miscellaneous	10,000
Pensions	31,000
	$690,99

MINISTRY OF WAR.

	Millreis.
Department expenses	39,000
Staff	91,000
Army	2,956,000
Fortifications	27,000
Military tribunals	497,000
Various commissions	45,000
Half-pay officers	12,000
Retired officers	651,000
Veterans and invalids	16,000
Miscellaneous	247,000
	$4,955,040

MARINE AND COLONIES.

	Millreis,
Department expenses and auxiliary offices	74,000
Fleet	909,000
Tribunals	97,000
Navy-yard	392,000
Employés in the colonies, supernumeraries, &c	112,000
Various charges	94,000
Colonial expenses paid in Lisbon	96,000
	$1,918,080

PUBLIC WORKS.

	Millreis.
Department expenses	49,000
Engineer corps	299,000
Repairs of roads	300,000
Railways	691,000
Post, light-houses and telegraphs	708,000
Various works	374,000
Scientific schools	187,000
National forests	45,000
Geodetic, hydrographic	66,000
Pensions and allowances	119,000
Miscellaneous	32,000
	$3,057,480

MINISTRY OF THE INTERIOR.

	Millreis.
Department expenses	41,000
Administrative tribunal	25,000
Governor, civil	108,000
Municipality	289,000
Police	454,000
Public health	64,000
Public instruction	870,000
Public charity	2,000
Pensions	3,000
Miscellaneous	71,000
	$2,377,699

MINISTRY OF FINANCE.

	Millreis.
Civil list, royal family	571,000
Cortes	118,000
Sundry redemptions and interest	2,691,000
Bureaus, miscellaneous, unemployed persons	647,000
Expenses of Treasury Department	175,000
Administration of the custom-house	964,000
Mint	60,000
General expenses of treasury other than in Lisbon	745,000
Pensions	153,000
Miscellaneous	89,000
	$2,382,652

PRINCIPAL ITEMS OF ESTIMATED RECEIPTS.

	Millreis.
Tax upon real estate	3,152,000
Tax upon manufactures	1,125,000
Sumptuary taxes	104,000
Tax upon interest	304,000
Tax upon rents	400,000
Tax upon banks	165,000
Income tax	400,000
Licenses (tobacco)	53,000
Tax upon mines	32,000
Registration fees	1,925,000
Stamps	1,323,000
City duties Lisbon, (a portion thereof)	1,401,000
Exportation duties (domestic)	216,400
Re-exportation (foreign)	30,500
Import duties (grain and tobacco excepted)	7,252,000
Import duties (tobacco)	3,233,000
Import duties (grain)	1,292,000
Tonnage dues	102,100
Sanitary and quarantine fees	49,000
Railway traffic tax	101,000
On certain wines exported, 2%	208,000
Tax on distillation	74,000
Tax on fisheries	113,000
Tax, special, on commerce, to be applied to improvement of ports	110,000
Tax on production of salt	270,000
Tax on licenses for retail of wines and spirits	964,000
Tax, additional, percentage on custom house duties	542,000
Sundry miscellaneous receipts	175,000
Consular fees	90,000
Fees of secretaries of state, &c	68,000
Custom-house fees, Lisbon and Oporto	137,000
Fees upon decorations accorded	185,000
Fees of the ministries	56,450
Road tax	40,000
Interest on deferred taxes	37,000
Matriculation fees	84,000
General fees, custom-house at Oporto and Lisbon	137,000
Special tax on wine entering Oporto and Villa Nova de Siae	65,300
Additional tax, law April 27, 1880	1,057,000
Powder manufactory	65,000
Minho and Douro Railway	807,900
South and Southwest Railway	452,000
Mint	78,000
Post-office, telegraphs, and light-houses	800,000
Government journal	198,000
Woods and forests	43,000
Inheritances unclaimed	49,000
Income from property of suppressed convents	150,000
Interest on canceled bonds deposited with the Bank of England	71,000
Interest on Government bonds deposited with the custom-house	891,000
Contribution of the districts for support of prisons	64,000
Tax on common roads	40,000

No. 312.

Mr. Francis to Mr. Frelinghuysen.

No. 130.] LEGATION OF THE UNITED STATES,
Lisbon, April 29, 1884. (Received May 19.)

SIR: The question of the revision of the constitution of Portugal has been the subject of great interest and earnest discussion among publicists and in the national legislature for many months past. The reforms contemplated by such revision and accompanying laws proposed by the

ministry were quite fully set forth in my No. 40 of March 13, 1883. Early in the present session of the Cortes the House of Deputies voted by a large majority in favor of the initiatory measure for the adoption of the governmental reforms. After six weeks of debate in the House of Peers it received the final sanction of that body on the 22d instant by a vote of 69 yeas to 14 nays. The reforms embrace primarily the reconstruction of the House of Peers. This is the constitutional feature. At present there is no limitation to the number of peers. They are appointed by the King. They have already attained to one hundred and forty in number. The pressure for appointment to the peerage has been a source of embarrassment to His Majesty. Besides, His Majesty felt that questions of much importance to the state and eliciting great popular interest, and sometimes passion, might lead, in case of a vital disagreement between the two houses—the peers opposing and defeating the measures of the popular branch of the national legislature—to the suggestion involving not a little danger to the throne, of a kingly peerage baffling the popular will and so encroaching upon the liberties of the people. To remove this danger, to relieve His Majesty of embarrassing responsibility, and so afford greater security to the throne, while conceding larger scope to the popular will, the amendment of the constitution was proposed by the ministry whereby the number of peers would be limited, two-thirds to be appointed by the King and one-third to be elected by the people, the hereditary principle to be abolished. This is certainly an advance forward in the policy of liberalization. The legislative reforms relate to the conditions of suffrage, whereby all male subjects (except for disabilities of crime or non-residence), who have arrived at the age of twenty-one years and have an income equivalent to 100 millreis a year shall be entitled to the franchise privilege; minority representation to a limited extent is assured, and other provisions are made to place the elections upon an improved basis.

Under the action of the Cortes an election will take place at a time to be appointed by the Government, not later than August, when members of the house of deputies will be elected specially upon the issue of the reforms. As early as September the new Cortes will assemble and pass upon the details of the measures which will thereafter go into effect. This work must all be accomplished before the body meets in regular session, January 2, 1885.

So far the fact is established that the reforms are to be effected unless the Government is defeated at the forthcoming special election—an improbable event. It only remains for the new Cortes to settle details, which will doubtless be done substantially as the Government desires.

I have, &c.,

JOHN M. FRANCIS.

No. 313.

Mr. Francis to Mr. Frelinghuysen.

No. 143.] LEGATION OF THE UNITED STATES,
Lisbon, June 20, 1884. (Received July 5.)

SIR: The ocean cable telegraph project between "the mainland of Portugal and the Azores, and from thence to America, Great Britain, and Ireland, France, and Spain," which has been the object of numerous concessions during the past fifteen years, to seven different companies

who have successively failed to take even the preliminary steps toward the realization of the measure, seems now about to be carried out by "The American, British, and Continental Cable Company, Limited."

By Article 2 of the concession a monopoly is granted the company in the following terms:

> The Government concedes to this concessionaire the exclusive right for twenty years to lay submarine cables from Portugal to the Azorean Islands, and such as may connect these islands with Great Britain and Ireland, France, Spain, and any country mentioned in Article 4.

Article 4 reads as follows:

> The cable from Portugal to America may consist of five or six sections, as follows: First, from Portugal to any one of the Azorean Islands, at the choice of the company; second, from thence to Bermuda; third, from Bermuda to the Bahama Islands; fourth, from Bermuda to the United States of America of the North; fifth, from the Bahamas to the Island of Cuba.

The monopoly thus granted is in violation of the principle that the Government of the United States should not permit the landing of an ocean cable on its shores; the concession for which involves a monopoly. It is with reference to this principle that the attention of the Department is called to this enterprise.

It is stipulated by the terms of the concession that the cable from the Island of St. Michael's, Azores, to Lisbon, "or to the mouth of the river Minpo," shall be ready for use by the month of September next, while that "connecting the Islands of Flores and Fayal with Falmouth and America" is to be completed by the month of March, 1885. The project further involves a system of cables between the more important islands of the Azorean archipelago, as well as the establishment of land lines in such of the islands as seem to require them.

Article 8 stipulates that the cable shall be opened for traffic between the Island of St. Michael's and "one of the American States" within eighteen months after date of the concession.

The company has made a deposit with the Portuguese Government of £3,600 as a guarantee for the completion of its work as above set forth. The capital of the company, as stated in its prospectus, is 6,750 contos ($7,290,000).

The promoters of the enterprise express the fullest confidence of their ability to assure its success, doubtful as it is regarded by many as respects any promise of pecuniary profits.

I have, &c.,

JOHN M. FRANCIS.

RUSSIA.

No. 314.

Mr. Wurts to Mr. Frelinghuysen.

[Extract.]

No. 124.] LEGATION OF THE UNITED STATES,
St. Petersburg, May 12, 1884. (Received June 7.)

SIR: The success of the new Russian 5 per cent. gold loan of £15,000,000 has exceeded public expectation, and testifies to the recovery of Russian credit. Two-thirds of this sum was negotiated through the house of

Bleichröder, of Berlin, a protégé of Prince Bismarck, fast rising into prominence in the financial world, and the Preussische Seehandlung, one of the oldest and soundest corporations in Germany, which has never before been permitted to openly participate in or morally support a foreign loan. That this institute was authorized to subscribe for most of the amount of the loan allotted to Berlin has been much remarked, for as it is practically a branch of the ministry of finance, its aid to Russia is of great significance, and goes far to prove the cordiality of the relations now existing between the two Empires.

The loan has been covered more than fifteen times, principally in Germany and Holland. France took but a small sum, and England, it appears, none at all. For Russia itself the remaining third was reserved and eagerly sought. In fact, it has not given satisfaction to every one here that this loan was mostly contracted abroad, by which the already heavy drain of gold from the imperial treasury for the payment of interest upon foreign debts is increased, and the promptness with which her own people subscribed to the loan raised at home last December indicated that Russia need not have had recourse to foreign bankers.

The avowed object of the new loan is to build railways, especially in Siberia; but it is stated that not much money from abroad will be available for this purpose, as most of it will have to be taken for the payment of interest upon former foreign loans, for which Russia has at this moment no other funds at its disposition. Nevertheless, the favor with which this loan has been received abroad by bona fide investors has revived confidence in Russian finance, and exchange has risen 4 or 5 per cent. in less than the same number of weeks.

* * * * * * *

I am, &c.,

GEORGE W. WURTS.

No. 315.

Mr. Wurts to Mr. Frelinghuysen.

[Extract.]

No. 127.] LEGATION OF THE UNITED STATES,
St. Petersburg, May 22, 1884. (Received June 16.)

SIR: A few months ago the Government of Russia issued an order requiring the railway companies of the country to give notice to all employés of foreign nationality to become Russian subjects or leave their service. Similar regulations have been made in other countries; the hardship of it in Russia is that many foreign employés, near the expiration of the term at which they are entitled to pension, by now leaving the service lose the right to claim their pension.

The order was at once enforced, and led to much complaint on the part of those unwilling to conform to it. The German and British ambassadors, who have many thousands of compatriots engaged on the Russian railways, have been powerless to unofficially effect any mitigation of the measure, though in some individual cases they have obtained exceptional favors; and they admit that as it is purely of internal regulation, their intervention on behalf of the sufferers cannot properly be claimed. Only two complaints thus far have been made to this legation;

not so much in remonstrance against the order itself as to inquire regarding the penalty of thus losing American nationality and the right to regain it at a later day. * * * .

I have declined to give advice; I have limited myself to the expression of my belief that there is no law which hinders resumption of citizenship; that in all probability an American by birth, naturalized as a foreign subject, would, on declaration of intent to become an American citizen again, be treated as an alien, and as such be able to be naturalized; that perhaps greater facilities—fewer formalities—would be met with than in the case of a foreigner wishing to become an American citizen, but that I could find no statute bearing upon the subject.

It is now at the request of one of these complainants that I take the liberty to refer the question to you for an expression of opinion.

I have, &c.,

GEORGE W. WURTS.

No. 316.

Mr. Frelinghuysen to Mr. Wurts.

No. 103.] DEPARTMENT OF STATE,
Washington, June 20, 1884.

SIR: In reply to your No. 127 of the 22d ultimo, requesting to be advised whether an American citizen after becoming a Russian subject temporarily, can later on resume his American citizenship, I have to inform you that our statutes recognize the right of expatriation as inherent and dependent solely on the will of the individual.

An American citizen exercising that right, whatever be his motive, and acquiring a foreign allegiance by naturalization in due form, is thereafter to us as completely an alien as if he had never been a citizen of the United States.

If he should desire to resume his American status, the laws make no distinction between him and any other alien, and provide no process save naturalization.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

SIAM.

No. 317.

Mr. Halderman to Mr. Frelinghuysen.

71.] LEGATION OF THE UNITED STATES,
Bangkok, Siam, December 11, 1883. (Received Feb. 2, 1884.)

SIR: I have the honor to transmit herewith copies of correspondence with the Foreign Office relating to the Siamese embassy now *en route* to Washington.

I have, &c.,

JOHN A. HALDERMAN.

[Inclosure 1 in No. 71.]

Mr. Halderman to the Minister of Foreign Affairs.

LEGATION OF THE UNITED STATES,
Bangkok, December 3, 1883.

SIR: In August last I ventured to announce to my Government the common rumor that a Siamese embassy had departed for America via England.

In reply this day received, the Secretary of State uses the following language:

"The President has been much gratified to learn of the coming of such an embassy and will do all that he possibly can upon its arrival to properly manifest his pleasure and the hearty good will and appreciation of the Government and people of the United States toward those of Siam."

It may be proper to add that the American customs officers have been instructed to pass without examination all baggage belonging to the embassy.

I avail myself of this occasion to renew to your excellency the assurance of my high consideration.

JOHN A. HALDERMAN.

[Inclosure 2 in No. 71.—Translation.]

Minister of Foreign Affairs to Mr. Halderman.

FOREIGN OFFICE,
Bangkok, December 10, 1883.

SIR: I have the honor to acknowledge your excellency's dispatch, dated the 3d instant, by which you inform me that the Government of the United States of America was prepared to receive the embassy from Siam.

I have conveyed the contents of your dispatch to His Majesty, my sovereign, for information of His Majesty.

His Majesty has commanded me to state to you that it has given His Majesty great pleasure to learn from you that the Government of the United States is preparing for a suitable reception of the embassy from Siam, and that His Majesty has received information from his minister plenipotentiary that he intends to leave for America in the month of December, if not prevented by any unforeseen circumstances. He will proceed thereto, conveying with him the proof of the high esteem which His Majesty, my sovereign, entertains for the United States.

No. 318.

Mr. Halderman to Mr. Frelinghuysen.

No. 74.] LEGATION OF THE UNITED STATES,
Bangkok, Siam, January 8, 1884. (Received February 27.)

SIR: After a fortnight's absence, I have returned from Chantabun, an important Siamese port, on the eastern shore of the Gulf of Siam, about 170 miles southeast of Bangkok, whither I had gone to make survey of the trade prospects.

The town has a sheltered harbor for junks and light-draught vessels only, and an estimated population of 30,000 Chinese, Anamen, and Siamese. It sells annually for foreign consumption about 25,000 piculs of pepper (a picul equals 133⅓ pounds).

Precious stones, cardamom seeds, and ivory in small quantities are also exported. On the hill sides near by, coffee is produced.

In the alluvial plains, 20 miles out, stretching as many miles more toward Batamboug, and in a northeasterly course, sapphires are found. The workers in these deposits are now few in number, and are for the most part experienced Indian and Burmese miners.

The gems are said to be not inferior in beauty, brilliancy, and value to the sapphires of Ceylon.

I found a Roman Catholic mission, claiming 2,000 converts, engaged in what appeared to be a not unsuccessful work.

French influences are seeking to establish a line of steamships from Bangkok, via Chantabun, to Saigon, the capital of French Cochin China, and give assurance of ultimate success.

The special inducements for American trade are not now superior to what may be had at other Asiatic sea-ports possessing better harbors and safer anchorage.

Population along the coast and on the adjacent islands is sparse.

This territory, lying contiguous to Cochin China and the protected State of Cambodia, will, perhaps, at no remote day, receive attention, as now nowhere may a frontier line be found entirely satisfactory to the two interested powers, France and Siam.

In my journey I was accompanied by Comte de Kergaradec, the French commissaire and consul.

Near Chantabun we met His Majesty the King *en route* to that port.

I have, &c.,

JOHN A. HALDERMAN.

No. 319.

Mr. Halderman to Mr. Frelinghuysen.

No. 84.] LEGATION OF THE UNITED STATES,
Bangkok, Siam, February 23, 1884. (Received April 10.)

SIR: I have the honor to transmit herewith copy of a note addressed by me to His Majesty the King of Siam, asking, at the request of missionaries of the American Presbyterian Church, permission to advance their lines.

I am, &c.,

JOHN A. HALDERMAN.

[Inclosure in No. 84.]

Mr. Halderman to the King.

LEGATION OF THE UNITED STATES,
Bangkok, Siam, February 9, 1884.

SIRE: The Reverend Doctor McGilvary and his associates of the Presbyterian mission at Cheng Mai, desire permission to establish a missionary station at Lakon, in the North Laos country; to reside there permanently as teachers of the Christian religion; to have protection and safe conduct at the station, and in transit to and from the same; to buy houses and grounds for the necessary buildings; to open schools; to establish hospitals, where the poor may be supplied gratuitously with medicine and medical attendance; and to the end that they may be aided, assisted, and protected herein, request, through me, a royal letter of authority directed to the viceroy at Lakon.

In a late proclamation it was announced "that it is His Majesty's pleasure that all his subjects be allowed to choose their mode and object of worship according to the dictates of their own consciences," and on a more recent occasion, when I had the honor of presenting, at a royal audience, American men and women engaged in Christian missionary work in Siam, your Majesty was understood to declare for "free toleration in all religions that tended to the advancement of the people and did not conflict with the laws of the realm."

Upon these liberal and enlightened promises my constituents rely, believing, as I

do, that their religion tends to the advancement of the people and does not conflict with the laws of the Kingdom.

The petitioners are not political agents or Jacobins, but peaceable, law-abiding persons desirous of doing good, who at all times and places would be loyal to your Majesty's Government, and to the constituted authorities.

I have pleasure in commending them, and in making their request my own.

I avail myself of this occasion to renew to your Majesty the assurance of my high consideration.

JOHN A. HALDERMAN.

No. 320.

Mr. Halderman to Mr. Frelinghuysen.

[Extract.]

No. 91.] LEGATION OF THE UNITED STATES,
Bangkok, Siam, April 9, 1884. (Received June 12.)

SIR: I had audience of the King this afternoon, which was not prolonged, on account of the information there communicated that His Majesty a few hours before had lost by cholera another half-sister—a princess highly esteemed for her many virtues.

I stated that I had sought the interview to ascertain, if possible, what might be the royal pleasure concerning the application of certain Christian missionaries presented by me two months since asking license to establish a Christian mission, school, and hospital at Lakon, North Siam.

The reply was the petition had been considered, and that the Siamese commissioner at Lakon would be instructed to obtain from the authorities at Lakon the desired protection, and that I should be furnished with a copy of the royal order.

* * * * * * *

Another royal promise was gratefully received, to wit, that the next installment of state scholars should be sent to America to be educated. Europe has thirty or more while our own country has none.

* * * * * * *

I am, &c.,

JOHN A. HALDERMAN.

No. 321.

Mr. Davis to Mr. Halderman.

[Extract.]

No. 45.] DEPARTMENT OF STATE,
Washington, April 29, 1884.

SIR: Adverting to the Department's No. 28, of October 9 last, to you, I have now to state that the Siamese consul at New York recently announced to the Department the departure from Liverpool, the 26th instant, of the special embassy from Siam for the United States, whither it was expected to arrive about the 2d or 3d proximo.

These facts were duly communicated to the President, who properly presented them to Congress. * * * The Secretary of the Treasury has directed the customs authorities to extend to the embassy, upon its arrival at New York, every facility and courtesy for the passage of the personal baggage of His Majesty's special mission, and has placed at its disposal a revenue-cutter to convey the embassy to that city upon the arrival of the ship at quarantine.

The Secretaries of War and of the Navy have also been requested to lend the co-operation of their respective Departments, to the extent at least of firing a salute upon the arrival of the ship off New York, and to otherwise testify their lively interest in the approaching embassy. Rear-Admiral Rodgers, U. S. N., who will be accompanied by Mr. Sevellon A. Brown, chief clerk of this Department, has been designated to proceed to New York, and on the arrival of the embassy to extend to it, in the name of the President of the United States, a cordial and sincere welcome. From the foregoing, it will be perceived that every precaution has been taken to demonstrate to the embassy the pleasure which this Government feels at receiving it, and I may also observe that the desire of the President is that no opportunity shall be omitted whereby be may further testify his high appreciation of the presence of this representative body from that distant friendly country, Siam.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 322.

Mr. Frelinhuysen to Mr. Halderman.

[Extract.]

No. 47.] DEPARTMENT OF STATE,
Washington, May 31, 1884.

SIR: The Department's instruction No. 45, of April 29 last, will have apprised you of its action in respect of the expected special mission from Siam. Since then, the mission has reached our shores in safety, and the preparations outlined in the Department's previous instruction for the reception of the Siamese were fully observed.

I may now, in continuation of that subject, briefly refer to what has been done for the pleasure of the mission, since its arrival in the United States up to the present time.

As stated in the Department's No. 45, Rear-Admiral Rodgers, whom the President designated to receive the mission in his name, met it on the arrival of the ship and discharged the service intrusted to him with care and fidelity.

The Secretary of the Treasury kindly placed at the disposition of Rear-Admiral Rodgers a revenue-cutter belonging to this Government. In this boat, he met the ship and conveyed the mission to New York. In that city, the mission remained during Sunday (the day of its arrival) and Monday, May 3 and 4, at the Fifth Avenue Hotel, as the guest of this nation, reaching this capital on Tuesday following, where they were similarly cared for at the Arlington Hotel, for about ten days.

Immediately upon their arrival at Washington, the members of the mission were formally presented by me to the President, who expressed

great pleasure at receiving them and warm personal sympathy for their country, between which and the United States the most amicable relations have always existed.

Every possible attention was shown the mission during its stay here, including a trip to Mount Vernon, on the United States steamer Despatch, in order to manifest our lively interest in the welfare of its members personally and our warmest sympathies for their country. Not only has the mission been the subject of these official attentions, but many courtesies have also been accorded by private citizens. These latter I have no doubt have been much appreciated and contributed in no small degree to the pleasure and comfort of the individual members.

The mission has lately returned to New York, whose citizens have also manifested great appreciation for it. It is understood that the mission will leave that city early next week on a westward tour, which may extend as far as the Pacific coast.

Mr. Isaac T. Smith, the consul of Siam at New York, and whose efforts and services have been constantly exerted for the welfare of His Majesty's subjects since their arrival in the United States, has informed the Department that the mission intended visiting Philadelphia Monday next.

I at once addressed the mayor upon the subject, asking that an officer of the city government meet, if possible, the mission and escort it to the various places of interest, as but one day's time was available. The superintendent of the United States Mint was also addressed and requested to extend to the mission upon its arrival every possible opportunity for examining whatever might prove of interest.

I apprehend that these precautions will be all that is necessary to render their trip to Philadelphia one of success and pleasure.

* * * * * * *

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 323.

Mr. Halderman to Mr. Frelinghuysen.

No. 99.] VLADIVOSTOCK, SIBERIA,
June 14, 1884. (Received September 6.)

SIR: This port is Russia's principal military and naval station on the Pacific. It has a population of 10,000 and a prospect of healthy growth. It is connected with Nagasaki, Japan, 800 miles distant, via the Corean ports Fusan and Yuen-San, by monthly steam service. During four months of the year navigation is suspended by the rigors of winter. On the west it has uninterrupted connection with St. Petersburg by post-route and telegraph.

The situation is pleasing, and the harbor safe and capacious. It would seem easy of defense.

An iron floating dry-dock, with capacity for the largest vessels, is under contract and will soon be completed.

On the adjacent lands cereals and vegetables thrive. It is not at all improbable that Siberia may yet supply Asia with bread.

Large well-stocked mercantile establishments and godowns may be

seen, owned or controlled by Germans who buy in Hamburg and ship direct by steamer through the Suez Canal.

Here, as elsewhere in the East, Chinamen are the workers, the day laborers, brick-makers, butchers, bakers, shopkeepers, &c. A few Coreans are employed in the brick-yards. Russians, Siberians, and Cossacks are the soldiers, sailors, and drosky drivers.

Meat is the staple article of food. Good beef is abundant. People of all conditions affect *caviar* and *vodka*. Ladies smoke cigarettes at the dinner table, and dress with the elegance of their sisters in Washington or Paris.

Though the trees are in leaf, and the hillsides are carpeted with green, the mercury marks 40° Fahrenheit, while men and women wear winter clothing, wraps, and furs. Later in the season 80° of heat may be reached.

The Western powers are not represented by consuls; Japan alone having a commercial agent. I was told that such representation was not desired, inasmuch as this is a Government station, and not an open free port soliciting trade with the outside world. No one may venture hither without a passport; a strict surveillance is maintained. The Corean frontier is 80 miles distant on the south. Saghalien, an island ceded by Japan, containing the Russian convict settlements, is hard by.

I have exchanged calls with the governor. At one of our interviews I took occasion to observe that the considerate treatment awarded to the heroes, lost and living, of the ill-fated Jeannette, by himself and other Russian officials had made more enduring the warm friendship entertained by my Government and people for his own. On account of ill health I have been compelled to decline proffered courtesies.

En route to Vladivostock I visited Fusan and Yuensan (Gensan) on the east coast of Corea. From what I saw and learned of the "hermit kingdom" I could hardly recommend Americans to quit their own country and go thither.

* * * * * * *

I have, &c.,

JOHN A. HALDERMAN.

No. 324.

Mr. Halderman to Mr. Frelinghuysen.

No. 103.] LEGATION OF THE UNITED STATES,
Bangkok, Siam, July 16, 1884. (Received September 8.)

SIR: I have received this day from his royal highness Prince Krom Mem Nares Warariddhi, the Siamese minister at Washington, a letter of which the inclosed is a copy.

It will be noted with satisfaction that the embassy were highly pleased at the warm welcome extended to them by the American Government and people.

Through other channels, strictly personal, the minister prince writes of his journey as a "triumphal march," a "continued ovation," whereat he and his suite were made supremely happy.

I have, &c.,

JOHN A. HALDERMAN.

[Inclosure in No. 103.]

Prince Nares to Mr. Halderman.

WASHINGTON, *May* 11, 1884.

MY DEAR GENERAL HALDERMAN: I take the first opportunity since my arrival in the United States to write and let you know how deeply I have been gratified at the warm and generous reception which has been accorded to me, and at the universal kindness which your countrymen have been, and still are, bestowing upon me on all sides.

I never doubted receiving a warm and kindly welcome here, but that your Government should have extended its hand toward me in the manner it has done, and that its members, one and all, should have spared no pains to make my sojourn here delightful, is more than I could ever have expected or than I can, even now, realize.

In these circumstances you will not, I am sure, doubt how thoroughly sincere my feelings are, nor will you allow me to forego the pleasure I feel in expressing to you personally my sentiments of friendship and of gratitude, for, although you are far away, I am fully sensible of the fact that all this kindness must, in no small measure, be attributed to you.

Believe me, &c.,

NARES WARARIDDHI.

No. 325.

Mr. Halderman to Mr. Frelinghuysen.

No. 109.] LEGATION OF THE UNITED STATES,
Bangkok, Siam, August 1, 1884. (Received September 23.)

SIR: I have the honor herewith to transmit copy of a communication received from the prime minister of Siam.

Pursuant to this notice, the Rajah of Tuluban has placed in my possession, for presentation to the Government of the United States, a gold-mounted kris and two gold-mounted spears of Malay pattern, manufactured by Malay artisans in the Rajah's own province.

It will be remembered that on the 23d April, 1883, as reported in my No. 30, in the name of our Government, I had the honor of presenting a gold medal and a magazine rifle to this Mohammedan governor at his palace in Tuluban, Malay Peninsula, in recognition of aid and succor extended by him and his people to shipwrecked American seamen.

The kris and spears are of beautiful design and of exquisite workmanship; they will be forwarded by first safe opportunity.

I have, &c.,

JOHN A. HALDERMAN.

[Inclosure in No. 109.—Translation furnished by prime minister]

Prime minister to Mr. Halderman.

SIR: The Rajah of Tuluban, who has come to Bangkok to pay homage to his most gracious Majesty, and to assist at the cremation of his late highness Somdetch Chow Phya Parama Maha Sri Surriwongse, has humbly made known to His Majesty that he has prepared a kris, with a gold hilt and scabbard of alloyed gold, and two spears with gold scabbards of Malay fashion, and manufactured by artizans of Tuluban, and has asked the royal permission to present them to the United States Government as a future remembrance.

His Majesty, being acquainted with all the facts is of opinion that the Rajah of Tuluban's action in assisting American sailors is very praiseworthy, and the Rajah of

Tuluban's preparing a gift to present to the United States Government in remembrance also meets with His Most Gracious Majesty's approbation. His majesty has therefore granted his royal permission for the Rajah to send his presents in accordance with his wishes.

It is therefore my intention to send Hluang Dhamrong Surind Rit to accompany the Rajah of Tuluban to hand the kris and spears over to your excellency and I request your excellency to receive them and forward them in accordance with the wishes of the Rajah of Tuluban.

I shall thank your excellency to acquaint me at what day and hour it will be convenient for your excellency to receive the Rajah of Tuluban.

Written on Friday the 8th day of the rising 6th moon, in the year Wauk Cho-Sok, 1246.

No. 326.

Mr. Halderman to Mr. Frelinghuysen.

[Extract.]

No. 110.] LEGATION OF THE UNITED STATES,
Bangkok, Siam, August 9, 1884. (Received Sept. 22.)

SIR: * * * I transmit herewith a note addressed to the President of the United States, acquainting him of the presentation herein referred to, which, I beg you to read and cause to be delivered.

I have, &c.,

JOHN A. HALDERMAN.

[Inclosure in No. 110]

Mr. Halderman to the President.

LEGATION OF THE UNITED STATES,
Bangkok, Siam, August 9, 1884.

Mr. PRESIDENT: I have the honor to acquaint your Excellency that on the 6th instant I forwarded to your address, in care of the Department of State, by the American bark Charles L. Pearson, of Boston, two boxes containing a Malay kris and two Malay spears, presents through me from the Rajah of Tuluban to the Government of the United States.

These rare weapons are of beautiful design and exquisite workmanship. They will be valued, I doubt not, because of the sentiment which inspired their presentation, as also because of the poetic interest which attaches to the ruler, people, and land whence they come.

It will be remembered that in April, 1883, I had the honor of presenting to this Malay chief, at his palace in Tuluban, in the name of my Government, a gold medal and a magazine rifle, in recognition of his friendly offices to shipwrecked American seamen on the Malay coast.

On the occasion of his recent visit to Bangkok, whither he had come, as is the oriental custom, to pay homage to the King of Siam, who is the suzerain of his state, he made frequent visits to this legation, where he broke bread with your representative, and expressed a living gratitude for high honors conferred.

He desired me to give assurance that the presents transmitted were intended by him to symbolize his cordial friendship for the great American Government and people.

I have, &c.,

JOHN A. HALDERMAN.

No. 327.

Mr. Halderman to Mr. Frelinghuysen.

[Extract.]

No. 114. LEGATION OF THE UNITED STATES,
Bangkok, Siam, September 3, 1884. (Received October 20.)

SIR: His Majesty the King of Siam, in consideration of the American Government's warm friendship, and of your representative's "faithful observance of treaty relations," has been pleased to present to the United States the house, out-buildings, and lease-hold estate in grounds now occupied by this legation.

Particulars are set forth in accompanying copy of dispatch this day received from His Royal Highness Prince Devawongsa, His Majesty's secretary.

I have communicated to His Majesty my grateful acknowledgments and high appreciation of the sentiment that inspired the gift, and my purpose to report same, without delay, to the President and Secretary of State of the United States.

The house is now occupied by the undersigned and is the same upon which I had obtained a lease for sixteen years. I have assigned that contract of lease without consideration or expense to my Government.

The improvements upon the compound have cost probably $10,000 or more. The main building, 84 by 58 feet, is of wood, brick, and cement, two stories high, with attap roof, fifteen rooms, and wide verandahs. It will be noted that a ground rent of $84 annually is expected to be paid.

The property is advantageously situated between the British agency and consulate-general and the Siamese customs house, in the midst of the business part of the city of Bangkok, with a river frontage of 166 feet, extending back 149 feet.

* * * * * * *

I beg to express the great personal satisfaction I have in making this communication.

I have, &c.,

JOHN A. HALDERMAN.

[Inclosure in No. 114.]

Prince Devawongsa to Mr. Halderman.

PRIVATE SECRETARY'S OFFICE, GRAND PALACE,
Bangkok, September 2, 1884.

MONSIEUR LE MINISTRE: In consideration of the strong sentiments of friendship which you and your Governnent have held toward His Majesty's Government, and in consideration of your faithful observance of treaty relations, I have the honor to inform you that my gracious sovereign has been pleased to buy the house now occupied by your excellency as the United States Legation, and to present it to the United States Government as a token of His Majesty's strong attachment of friendship for the United States of America. His Majesty trusts that it will be acceptable to your Government. I am commended, therefore, to request that your excellency, as the representative of your Government, take, hold, and possess *in perpetuity* the said house, grounds, and all the buildings and fences in the compound in front of Wat Muang Khei.

I have to add that the yearly contribution of one hundred and forty ticals ($84) to the said Monastery or Wat will not, perhaps, be objected to by your Government, as

it has been the custom of all former owners of this place to contribute this charity to that church, and, knowing the good free will of United States citizens, I am sure you will not wish to violate the reasonable customs of the locality. I venture to hope that your excelleney will not find it burdensome to comply with this custom; and so, the entire ownership of this property hereby passes to your excellency's Government.

I avail myself, &c.,

DEVAWONGSA VAROPRAKAR.

No. 328.

Mr. Davis to Mr. Halderman.

No. 57.] DEPARTMENT OF STATE,
Washington, September 11, 1884.

SIR: I have received your No. 103, of July 16 last, accompanied by a copy of a letter addressed to you, wherein Prince Nares Wararidhi, of the special mission from Siam, lately in the United States, speaks of the cordial reception accorded his mission here. While his letter has been read with appreciation, yet I may observe that the United States Government has always found pleasure in testifying its good will to those foreign Governments which manifest a disposition to become better acquainted with our country, its institutions and modes of progress; and omits no course which may serve to knit closer their mutual relations of friendliness and material benefit.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

No. 329.

Mr. Halderman to Mr. Frelinghuysen.

No. 118.] LEGATION OF THE UNITED STATES,
Bangkok, Siam, September 15, 1884. (Received Nov. 17.)

SIR: In my No. 84 of February 23d last, I reported application in behalf of the American Presbyterian Church to establish a mission at Lakon.

After sundry promises of His Majesty's secretary to furnish me copy of the royal edict, I addressed him in terms of inclosed paper No. 1, of date July 18, 1884.

For answer, I received originals of drafts herewith, numbered 2 and 3. They may or may not mean protection in the future.

It will be observed that, ostensibly, the power to act has been delegated to Prince Bijet, the Siamese commissioner to the Laos states, and further, that if a royal edict as promised has been issued it does not appear herein.

I shall not let the matter rest here, even at the risk of being considered importunate by the Siamese Government.

It is to be greatly regretted that American Christian missionaries within this Kingdom and dependencies are not guaranteed protection by treaty stipulation.

I have, &c.,

JOHN A. HALDERMAN.

[Inclosure 1 in No. 118.]

Mr. Halderman to Prince Devawongsa.

LEGATION OF THE UNITED STATES,
Bangkok, Siam, July 18, 1884.

PRINCE: At a royal audience on 9th April last, referring to the application of certain American Christian missionaries for permission to establish a mission, school, and hospital, with necessary protection, at Lakon, North Siam, presented by me two months previous, His Majesty was pleased to observe that a royal order granting the request should be forthwith issued, and that I should be supplied with a copy thereof.

Presuming that the matter has been overlooked in the press of business, I beg that you will remind His Majesty that I have received no such order or copy thereof, and that I await it with great interest for transmission to the parties concerned, as also to my Government.

With sentiments, &c.,

JOHN A. HALDERMAN.

[Inclosure 2 in No. 118.—Translation.]

Prince Devawongsa to Mr. Halderman.

PIVATE SECRETARY'S OFFICE, GRAND PALACE,
Bangkok, September 14, 1884.

MONSIEUR LE MINISTRE: I have the honor to inclose for your excellency's information a copy of the dispatch received this day from his royal highness Somdetch Krom Phra Bamrap, the minister of the interior of the North to his royal highness Krom Mun Bijit Prejakorn, the special commissioner for the western Laos States, under the date of the 9th August, in reference to the establishment of the missionary school, hospital, &c., at the Nakhon Lampang, or generally called Lakhon, one of the northwestern Laos States, in terms of the application of Mr. McGilvary, made through your excellency.

I avail, &c.,

DEVAWONGSA VAROPRAKAR.

[Inclosure 3 in No. 118.—Translation.]

ROYAL EDICT.

His royal highness Somdetch Krom Phra Bamrap, minister of the North, to His Majesty's younger brother, Prince Krom Mun Bijit Prejakorn, special commissioner for the Western Laos States.

The American minister has presented a letter to His Most Gracious Majesty stating that the missionaries (teachers of religion) located at Chengmai are desirous of purchasing a location to build there on a Christian school and a hospital for the distribution of medicines and the cure of diseased persons at Lampang.

His Majesty the King is of opinion that as your royal highness has gone up to Chengmai to arrange matters, the American minister's request that the missionaries be allowed to purchase a location for a Christian school and for the distribution of medicines should be referred to your consideration; therefore the substance of the American minister's letter is sent for your information.

If your royal highness can see your way clear to arrange the matter satisfactorily, please do what will be proper under the circumstances so as in no way to disturb official or friendly relations.

Whatever arrangements your royal highness may effect in the premises, or whatever obstacles may arise, please send down a full statement.

Given Saturday, 9th lunation, 3d of the waning year of the monkey, 6th of the decade, 17th of the present reign, civil era 1246 (*i. e.* August 9, 1884).

No. 330.

Mr. Frelinghuysen to Mr. Halderman.

No. 62.] DEPARTMENT OF STATE,
Washington, September 30, 1884.

SIR: I have to acknowledge the receipt of your Nos. 109 and 110, of the 1st and 9th of August last, respectively, concerning two gold mounted Malay spears and a gold-mounted Malay kris, presented by the Rajah of Tuluban to the Government of the United States, and to say that the President, who has been advised of the contents of your dispatches, as well as of your letter to him of the 9th of August last, transmitted with your No. 110, has been much gratified at this evidence of friendliness on the part of the Rajah, whose presents have been accepted in the name of the United States Government with unfeigned pleasure.

In making due acknowledgment of them you will so state on behalf of the President.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 331.

Mr. Frelinghuysen to Mr. Halderman.

No. 68.] DEPARTMENT OF STATE,
Washington, October 24, 1884.

SIR: I have had the pleasure to receive your No. 114, of the 3d ultimo, wherein you announce that His Majesty the King of Siam has donated to the United States a house and grounds at Bangkok for legation purposes.

The President has been much gratified at this generous action of His Majesty, which evidence at the same time his great liberality and his friendship for the Government of the United States, in whose name, by direction of the President, I desire you to express to His Majesty its sincere thanks, adding that upon the meeting of Congress, in December next, the gift will be suitably communicated to it.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

CORRESPONDENCE WITH THE LEGATION OF SIAM AT WASHINGTON.

No. 332.

Credentials of Prince Krom Mun Narès.

[Translation.]

Somdetch Phra Paramindr Maha Chulalonkorn Phra Chula Chom Klao King of Siam, both Northern and Southern, and all its dependencies, Laos, Malays, Kareans, &c., to our most illustrious friend General Chester A. Arthur, President of the Republic of the United States of America, greeting:

The desire of maintaining and strengthening the friendly relations which so happily exist between Siam and the United States of America,

and of terminating questions arising out of the existing treaties and mooted points of mutual rights and diplomatic intercourse, and all other matters that may require discussion and arrangement has induced us to accredit a minister to the United States of America.

We have therefore chosen our beloved brother, our trusted counselor, his royal highness Krom Mun Narès Wararidhi, Knight of the Illustrious Order of the Maha Chakrakri, Grand Cross of the Most Noble Order of the Chula Chom Klao, commander of the Most Honorable Order of the Crown of Siam, and appointed him our envoy extraordinary and minister plenipotentiary to the United States of America, to reside in England, and visit the United States of America from time to time, as may be desirable for the end in view, with full powers for us, and in our name to confer, negotiate, conclude, and sign any convention or conventions, or other acts that he may judge necessary for the end in view. We promising to ratify the same within the period agreed upon.

His talent, integrity, and fidelity in our service, of which he has already given proofs, make us feel assured that he will justify this new mark of our confidence, and will, at the same time, obtain the kind regard of your Excellency.

His royal highness Krom Mun Narès Wararidhi knows the high esteem we entertain for your Excellency, and will express those sentiments in our name, and is charged by all means in his power to strengthen the friendly relations now so happily existing between our countries.

We pray your Excellency to give full and entire credence to all that he may say and do on our part.

May the Supreme Power of the Universe bless and keep your Excellency in health, honor, and happiness.

Given at our Court Chakrakri Mahaprasad at Bangkok on Monday, the 12th day of the waxing moon of the month Asalhamas of the year goat, fifth decade, 1245 of the Siamese astronomical era, corresponding to the 16th day of July, 1883, of the Christian era, being the 5361st day, or 16th year of our reign.

[*Manu Regia*] CHULALONKORN, *R. S.*

No. 333.

Speech of Prince Krom Mun Narès to the President, May 6, 1884.

Mr. PRESIDENT: I venture to avail myself of this opportunity on which I have the high honor of presenting my letters of credence as minister for Siam to the Government of the United States, to express to your excellency the earnest wishes of my august sovereign for the health and prosperity of your Excellency, and to assure you of the constant desire of the King of Siam to maintain and strengthen the friendly relations already existing between the two countries, relations upon which so much of the happiness and prosperity of my country and the growth of commercial interests between the two countries depend.

Since the year 1833, when the first treaty was made between the two countries, my Government has always been conscious of the constant and ever-increasing good will shown toward Siam by the United States, and American citizens have always been regarded by Siam with feelings

of friendship and esteem, particularly so the American missionaries, who, by their labors, have done so much towards the advancement of education, science, and art in my country.

Siam has been honored from time to time by visits from distinguished American officers and citizens, and particularly so by the recent visit of General Grant, which in itself, although unofficial, has been regarded as a signal proof of friendship.

The appointment by the United States Government of General Halderman as resident minister at Bangkok, being the first minister to reside near my sovereign, has given so much pleasure and satisfaction to my Government that it is by way of reciprocating this act of friendship that I have now the honor to fill the appointment of Siamese minister to this Republic; and in this capacity I humbly beg to assure your Excellency that my chief object will be to study closely His Majesty's wishes, in the hope that opportunity may be afforded to me to give many proofs of the good will of my sovereign toward this country.

For the reception so graciously accorded to me on my arrival by the representatives of your Excellency, and for the sincere kindness extended to me upon all sides, I beg, in behalf of His Majesty, to tender to your Excellency his most sincere and cordial thanks.

No. 334.

Reply of the President to Prince Krom Mun Narès.

PRINCE: I am pleased to be able to welcome to the United States the diplomatic representative of His Majesty the King of Siam, in the person of one of His Majesty's royal family.

The intercourse maintained between the United States and Siam for years past has shown the mutual desire of the two countries to draw closer the ties of friendship and commerce which join two nations separated by half the circuit of the globe. Wide apart as they are, and different as are their Governments and the lives of their peoples, I am glad to believe that the two countries are very near together in their aspirations, since both strive to put in practice like ideas of progress, and to conduct Government for the benefit of the governed.

It is pleasant to know that your purpose now is to become acquainted with this country, to visit its length and breadth, to observe its natural resources and its tireless activity in the fields of invention, of industry, of manufacture, and of the useful arts. Probably no country in the world presents better examples for the study of the causes of national development and success than our own, which, young as it is, self-made and self-contained, seeks to work out its own aims with peace and good will toward all its neighbors.

I beg of you to assure your sovereign of the friendship which we of the United States bear to him and to the people over whom he is called to rule.

SPAIN.

No. 335.

Mr. Foster to Mr. Frelinghuysen.

No. 121.] LEGATION OF THE UNITED STATES,
Madrid, December 15, 1883. (Received December 31.)

SIR: The condition of slavery in Cuba, a fertile source of discussion in and out of the Cortes, has attracted increased attention during the past week on account of the public meeting of the Spanish Abolition Society. The law of the 13th of February, 1880, established a kind of guardianship over the slaves, who were accorded certain rights and privileges in which they were to be guaranteed by the intervention of "juntas" in the various districts of the island. My predecessor, Mr. Lowell, in transmitting a copy of that law (No. 216, November 11, 1879,) termed it an "attempt to cross slavery with freedom, being in its very nature futile," and he reported that "nobody expects that the system of guardianship will work, or that slaves can be kept half emancipated."

The object of the meeting referred to was to expose the evil workings of the law of 1880, and to demand the immediate and complete emancipation of the slaves. It is insisted by this society that the influence of the masters exercised on the local "juntas" and in the departments of the Madrid Government has been sufficient in many instances to nullify the most important provisions of the law. It states that the district "juntas" are in most part composed of masters or advocates of slavery, and hence are always disposed to favor the "*patrons*" or masters; and that the circulars which the ministry of ultramar has sent to the island enjoining, in the most explicit manner, the observance of the rights of the negroes specified in the law of 1880, have been repeatedly disobeyed or ignored. By that law all corporal punishment was prohibited, but notwithstanding this positive provision the use of stocks and the ball and chain in the most cruel manner has been notorious. Separation of families is also prohibited, but this has been openly disregarded. For the failure of the masters to comply with certain specified provisions adopted for the protection and benefit of the slaves, the law decrees their immediate and unconditional freedom; but this society estimates that there are now seventy thousand negroes entitled to their freedom, who are held in bondage through the failure or refusal of the "juntas" to give effect to the law. As illustrations it cites the fact that under the law a slave who desires emancipation may be appraised, and upon payment of the amount fixed he is to become free; but there are instances where the "juntas" have refused to recognize the payment in Mexican silver (which is the current coin in commerce) and have required *gold of the old Spanish coinage* (not in circulation), and thereby defeated the law. In other instances the "juntas" have refused to consider the petitions of the slaves because they have not been presented on official paper or have not selected as their representative a person approved by the "junta"; and when no such technical objection can be interposed, in many cases the negroes are deprived of their freedom or rights guaranteed by the law by the mere inaction of the "juntas," allowing their petitions to remain unattended to for months or years. Another provision repeatedly violated by masters without relief from the "juntas"

is the payment of the monthly stipend to the slaves. A further injustice is cited in the frequent denial or failure of the "juntas" to grant an appeal from their decisions, provided for in the law.

Up to the present it is claimed the official influence in Cuba has almost entirely been on the side of the "*patrons*" and against the negroes; but the society recognizes the indication of a better spirit in the new governor-general of the island, and in its recent meeting a note of thanks was tendered to the present ministry, and especially to the president of the cabinet and the minister of ultramar, for the adoption of the royal decree of the 27th November last, abolishing punishment by stocks and the ball and chain. But it is insisted that the only remedy for the injustice being inflicted upon the negroes and the evils suffered by the island through slavery is its immediate and unconditional abolition; that any political or economic reform is absolutely impossible in Cuba without first destroying slavery, "the center of all abominations, the foundation of all opposition, the cause of all antagonisms, the fountain of all immorality, the supposed source of all disasters."

A considerable number of the Cuban representatives in the Cortes are active members of the Abolition Society, and as immediate emancipation has been one of the measures proclaimed by the public men and party now in power, it is designed to press the measure during the present session of the Cortes, with a fair prospect of success.

Besides the interest which our country has in the general and moral aspects of a question affecting so near a neighbor, for us additional interest attaches to the measures which it is proposed by the advocates of immediate emancipation to adopt, to compensate the owners for the loss of their slaves. It is conceded that neither the financial condition of Cuba or of the mother country will admit of a money compensation. It is, therefore, proposed to afford them relief in two ways: first, by removing all the export tax on the products of the island; and second, by negotiating treaties of commerce, especially a reciprocity convention with the United States by which Cuban products will be afforded a more advantageous market, and articles of prime necessity of living will be introduced free of duty or at a lower tariff. The adoption of these measures it is claimed will so greatly improve the interests of the planters as to abundantly compensate them for the loss of slave-labor, which in its present condition has already almost ceased to be valuable to them.

I am, &c.,

JOHN W. FOSTER.

No. 336.

Mr. Foster to Mr. Frelinghuysen.

No. 126.] LEGATION OF THE UNITED STATES,
Madrid, December 20, 1883. (Received January 7, 1884.)

SIR: The consular agent at Port Mahon has presented to the legation a question of citizenship, based upon the following statement of facts:

Peter Lucas, a native of Spain, entered the United States military service in 1835, at the age of thirteen, and served over twenty-one years, participating in the war with Mexico and that of the rebellion, and received honorable mention for faithful and gallant conduct. He lived several years in New York and was naturalized August 13, 1872. He has several sons citizens of and now resident in the United States. He has re

turned to Spain and has taken up his residence at the place of his birth, Port Mahon. He has a minor son living with him who was born in Spain before his naturalization as an American citizen. This son has never been out of Spain, and hence was not in the United States at the time of the father's naturalization nor before or since that event. I have no information that the father intends to resume his residence in the United States.

The son will next year reach the age when Spanish subjects are required to render service in the army. Peter Lucas, the father, desires to know if this minor son will be recognized by this legation as an American citizen and be entitled to exemption from such service on account of his (the father's) American naturalization. I have deferred an answer until I shall have referred the question to the Department, and I will thank you to give me the proper instructions.

I am, &c.,

JOHN W. FOSTER.

No. 337.

Mr. Foster to Mr. Frelinghuysen.

No. 128.] LEGATION OF THE UNITED STATES,
Madrid, December 22, 1883. (Received January 9, 1884.)

SIR: The chief of the section of the Ministry of State having in charge the subject, called to-day at the legation and informed me that it had been decided to return the cattle tax collected by the Spanish consul at Key West, Fla., on the exportation of cattle to Cuba, which has been the subject of correspondence between this legation and the Minister of State. He said that instructions were being prepared to be sent to the consul at Key West on the subject, and that within a few days I would be advised by an official note of the action of the Spanish Government.

I have thought it best not to await the receipt of the promised note, but to give you information at once of the expected return of the illegally collected tax, which, if realized, will be the first practical step yet taken by the Spanish Government to remedy the complaints of our citizens in regard to the obstructions to commercial intercourse with Cuba.

I am, &c.,

JOHN W. FOSTER.

No. 338.

Mr. Foster to Mr. Frelinghuysen.

[Extract.]

No. 131.] LEGATION OF THE UNITED STATES,
Madrid, December 27, 1883. (Received January 16, 1884.)

SIR: In my No. 129, of the 24th instant, I reported to you the revocation of the fifth article of the royal decree of March 12, 1867, by which article merchandise proceeding from the United States under the Spanish flag was required to pay the duties fixed in the fourth column of the Cuban tariff. The Official Gazette of this morning contains the decree

of revocation, a copy and translation of which I inclose herewith. I do not advise you of this action by cable, as the order does not begin to take effect until thirty days after its publication by the Spanish consuls in their respective localities; and, besides, I do not regard the measure as of such importance and satisfactory character as to require it.

Having occasion to call upon the Minister of Ultramar yesterday on other business, he referred to the revocation as an important concession to the United States and as indicating the disposition of the present ministry to satisfy the desires of our Government in regard to commercial relations with Cuba.

I told the minister that it was undoubtedly a step in the right direction, and I thanked him for bringing it about, but it was far from satisfying the desires of the United States. While in a certain sense it was a concession to American products, it was, more properly speaking, a favor to the Spanish flag; but I doubted whether it would, in its practical operations, result in any benefit to either our products or to Spanish vessels, as the latter could hardly engage profitably in the trade carrying cargo only one way, and at best it merely restored the condition of things as they existed before 1867, putting again in full rigor the objectionable differential flag system, which had occasioned the discriminating 10 per cent. *ad valorem* duties in the United States.

The minister added that he hoped in time it would lead to other measures for the improvement of trade relations between the United States and Cuba, a subject to which his department was then giving a careful study.

On the publication of the decree of revocation to-day I asked of the Minister of State an interview to learn more fully the views of his Government before communicating to you the official copy of the decree, and I have just returned from his ministry after an hour's conference with him. I elaborated somewhat at length my views expressed to the Minister of Ultramar, as above briefly indicated, and told Señor Ruiz Gomez that the decree announced to-day would fall far short of satisfying our Government. He answered that the ministry considered it as an important concession to the United States, and that he was sorry to see that I did not esteem it so highly; that it was not claimed that this was all that was necessary to be done to place the commercial relations of Cuba on a completely satisfactory basis, but it was a great step in that direction; that he agreed with me that it was desirable to abolish altogether the differential flag system, but that was a radical reform which required careful examination, both in the interest of the Cuban treasury and to secure ratification by the Cortes; that he had promised me the subject should have special consideration, and in fulfillment of that promise he had asked his colleague of Ultramar to send to him an official of his department with whom he could discuss and agree upon the reforms which were practicable; and he hoped in a short time to be able to submit something definite for my examination. I thanked him for the repetition of this assurance, but asked him to excuse me if I went beyond diplomatic propriety when I said that I was becoming somewhat impatient under these repeated assurances, and that it seemed to me the urgency of an early arrangement of the Cuban commercial matters was not fully appreciated by his Government; that more than two months had elapsed since he first discussed these matters with me; that in the meantime he had been able to adjust commercial questions with Great Britain, Holland, Portugal, and Italy; that if I had failed in the past to impress upon him the necessity of reaching some agreement of our questions with Cuba, I desired

to-day to inform him in the most positive manner that these matters were approaching a crisis, as he might see from the President's last message to Congress. * * * I added that I thought he was under a misapprehension in supposing that the adjustment of the differential flag question was dependent upon the ratification of the Cortes, as I understood that by the law of July 20, 1882, full power was given to the Government to admit United States products at once to the benefit of the third column of the Cuban tariff.

The minister * * * assured me that there was no intention on his part to give preferential consideration to the questions of other Governments, and to prove the sincerity of his desires he said he would call the Ministry of Ultramar by telephone to ascertain if it was ready to take up the Cuban commercial subjects immediately. * * *

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 131.]

ROYAL DECREE.

[Translation.]

MINISTRY OF ULTRAMAR.

In order to establish proper conditions of reciprocity between the commerce of the island of Cuba and of the United States, and without prejudice to what may be decided in the drawing up of tariffs under consideration for such island, with a view to establish with urgency our commercial relations with that Republic on a firm and equitable footing, and to harmonize all interests in conformity with the report made by the section of ultramar of the council of state, on the proposition of the minister of ultramar, and in accord with my council of ministers, I hereby revoke article 5 of the royal decree of the 12th of March, 1867, ordering that the merchandise proceeding from the United States under the Spanish flag will pay, on its importation in the island of Cuba, the duties named in the tariff on the same merchandise brought under a foreign flag, which measure will take effect thirty days after the publication of this decree by the consuls and vice-consuls of Spain in the official papers of their respective districts.

Given at the palace this 26th of December, 1883.

ALFONSO.

The Minister of Ultramar,
ESTANISLAO SUÁREZ INCLÁN.

No. 339.

Mr. Foster to Mr. Frelinghuysen.

No. 132.] LEGATION OF THE UNITED STATES,
Madrid, December 29, 1883. (Received January 19, 1884.)

SIR: As supplementary to my No. 121, of the 15th instant, in regard to slavery in Cuba, I desire to add, as an indication of the progress being made towards complete emancipation, that it appears from the official report just published that on the 6th ultimo there were in Cuba 99,566 "*patrocinados*" (the legal term applied to those still held in bondage). In the year 1868, before the Moret emancipation law was enacted, there were registered 385,356 slaves.

I am, &c.,

JOHN W. FOSTER.

No. 340.

Mr. Foster to Mr. Frelinghuysen.

[Extract.]

No. 134.] LEGATION OF THE UNITED STATES,
Madrid, January 3, 1884. (Received January 23.)

SIR: My Nos. 131 and 132 and previous dispatches have informed you of the steps taken and the progress made in my efforts to induce the Spanish Government to bring about an improvement in the commercial relations of Cuba and Porto Rico with the United States. I am gratified to be able to announce that my efforts have been crowned with a fair degree of success in the signing with the Spanish Minister of State, at 7 o'clock p. m. on yesterday, of the agreement which I have the honor to transmit with this dispatch.

Article 1 of this agreement admits the products of the United States to the benefit of the third column of the tariffs of Cuba and Porto Rico, being thereby exempted from the 30 to 60 per cent. extra duty of the fourth column, under which they have heretofore been admitted. But its greatest gain is in securing the abandonment by Spain, so far as the United States is concerned, of the differential flag system, against which our Government has so long remonstrated.

Article 2 restores the Cuban market to the Florida fishermen, whose large and profitable trade was broken up by the Spanish order of March 13, 1882.

Article 3 settles, so far as relates to the Spanish West Indies, the irritating question of Spanish consular tonnage fees on cargoes collected in our ports. I, of course, understand that it would have been better to have secured a full concession from Spain of the international illegality of levying and collecting an export tax by foreign officials in our own ports; but as in its application it was mainly a burden on our West Indian commerce, and as the agreement related exclusively to that commerce, I thought it wise to accept the concession in this limited form. I regard it as a virtual yielding of the whole question, and I have no doubt the practice will be entirely abandoned, as soon as the necessary legislation can be had to supply the deficit in the consular budget.

Article 4 provides for the removal of the extra duty of 10 per cent. *ad valorem* on cargoes brought from the Antilles under the Spanish flag, which our Government imposed in retaliation of the Spanish differential flag duty. The latter being abolished, the removal of the 10 per cent. duty follows as a consequence.

For the fuller information of the Department of the Treasury, articles 5 and 6 will be made the subject of a separate dispatch.

To enable both Governments to issue the proclamation and orders required by the agreement, and to give ample notice to their respective officials and shipping, article 7 provides that the stipulations of the agreement shall go into effect on the 1st of March next.

Article 8, relating to negotiations for a treaty of commerce and navigation, will also be made the subject of a separate dispatch.

* * * * * * *

I am, &c.,

JOHN W. FOSTER.

No. 341.

Mr. Foster to Mr. Frelinghuysen.

No. 135.] LEGATION OF THE UNITED STATES,
Madrid, January 4, 1884. (Received January 21.)

SIR: The 5th article of the agreement for the improvement of the commercial relations of the United States with Cuba and Porto Rico, transmitted with my No. 134, of yesterday, provides for the removal of all discriminating or extra duties in this commerce, and is designed to cover any cases not specified in the preceding articles. During the negotiations which led to the agreement, my attention was called to the report of the Spanish consul at New Orleans, dated in 1876, in which he states that not only is there imposed on the cargoes of Spanish vessels arriving from Cuba and Porto Rico the extra 10 per cent. *ad valorem* duty, but that the vessels when they bring cargo from Cuba have to pay, in addition to the usual tonnage dues, an extra charge of $1.62½ for each ton of measurement.

I have replied that I had no information in the Legation to show that any such charge existed, and that I was satisfied no such discriminating tax was now collected on Spanish vessels. It was agreed, however, that article 5 should be understood to cover the case cited by the Spanish consul at New Orleans, as well as any other discriminating charges which might exist in the ports of either the United States or the Spanish West Indies.

Article 6 of the agreement was framed to meet the difficulties arising from the export tax in Cuba and Porto Rico. It is charged that frauds are frequently perpetrated upon the Spanish treasury by exporters of sugar and tobacco with the connivance of the custom-house officials of those islands in the evasion of the payment of the export tax levied on these two products. To enable the Spanish Government to have a check upon its own officials, it has been agreed that, whenever so requested, the collectors of customs of the ports of the United States will furnish to the respective Spanish consuls certificates of the cargoes of sugar and tobacco brought in vessels proceeding from both the Spanish Antilles. The Ministry for the Colonies, in a memorandum which it has given me on the subject, expresses its belief that the necessity on the part of the Spanish consuls to ask for such certificates will very soon be obviated, "as its object is to verify and correct the dishonesty on the part of the officials of the custom houses, if it exists in Cuba, as some charge, and as soon as these officials learn that the shipments of sugar and tobacco are compared on their arrival they will cease to commit frauds on the revenue, if they practice them."

I respectfully suggest that the contents of this dispatch be made known to the Department of the Treasury for its information and action.

I am, &c., JOHN W. FOSTER.

No. 342.

Mr. Foster to Mr. Frelinghuysen.

No. 142.] LEGATION OF THE UNITED STATES,
Madrid, January 15, 1884. (Received February 2.)

SIR: In transmitting the printed copy of the agreement of the 2d instant, as published, with my No. 138, of the 7th instant, I referred to the question which had arisen in the Ministry of State as to whether the

third article would not require the approbation of the Cortes before being carried into effect. In a conversation which I had with the minister of state on the 9th instant, he informed me that it had been decided that as the consular tonnage fees were prescribed by a law of the Cortes, it would require the legislative authority to give validity to the stipulation of article 3. He said he would, therefore, without delay, submit this clause of the agreement to the Cortes for its approbation, and that he did not doubt that his Government would be able to carry out the entire agreement on the date specified. The other stipulations were fully embraced in the law of July 20, 1882 (see inclosure to Mr. Hamlin's No. 74, of August 5, 1882), and would be carried into execution without the action of the Cortes. In conformity with the foregoing indication, on the 12th instant the Minister of State submitted to the chamber of deputies the royal decree, of which I inclose a copy and translation, reporting to that body the use which the Government had made of article 3 of the law of July 20, 1882, and soliciting its approbation of the abolition of consular tonnage fees contemplated in article 3 of the agreement.

While I cannot doubt the good intentions of the Spanish Government in regard to the exact execution of the agreement, in view of the fact that a change of ministry within a few days is imminent, I deem it proper to suggest that the issuance of the proclamation of the President for the suspension of the extra 10 per cent. ad valorem duties may be postponed, until I shall be advised of the time when the orders of the Spanish Government are to be published, which, on its part, carry the agreement into effect, in order that the respective publications may be as nearly concurrent as possible.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 142.—Translation.]

ROYAL ORDER.

In accordance with the judgment of my council of ministers, I have ordered my Minister of State to present to the Cortes a project of law asking the necessary authorization for the ratification of the commercial agreement between Spain and the United States of America, signed at Madrid on the 2d instant.

Given at Madrid the tenth of January, one thousand eight hundred and eighty-four.

ALFONSO.

The Minister of State,
SERVANDO RUIZ GOMEZ.

To the Cortes:

The minister, undersigned, in presenting for the deliberation of the Cortes the agreement signed at Madrid on the 2d instant between the Governments of Spain and the United States of America, of which a copy is inclosed, submits to its high consideration the use which the Government of His Majesty has deemed proper to make of the authority conferred by article 3 of the law of July 20, 1882.

At the same time he esteems it necessary to resort to the body of the national representation and to solicit its approbation for the renunciation of the consular receipts which must take place in virtue of the suppression from the 1st March, 1884, of the mercantile tonnage fees on the cargoes of vessels leaving the ports of the United States for Cuba and Porto Rico, for which purpose he has the honor to propose for the approbation of the Cortes the following project of law:

Only Article. The Congress of Deputies approves the agreement signed at Madrid on the 2d day of the present month between the Governments of Spain and the United States of America.

The Minister of State,

SERVANDO RUIZ GOMEZ.

PALACE, *January* 12, 1884.

No. 343.

Mr. Foster to Mr. Frelinghuysen.

[Extract.]

No. 155.] LEGATION OF THE UNITED STATES,
Madrid, January 23, 1884. (Received February 11.)

SIR: I advised you in my No. 128, of the 22d ultimo, of the informal notice I had received from the Ministry of State that it had been decided to order the return of the cattle-tax exacted by the Spanish consul at Key West. As the official notice did not come as promised, after waiting two weeks in anticipation of the change of ministry, I asked the subsecretary of state to have the matter dispatched if possible. On the 19th instant, the day after the change of ministry, I received a note, dated the 12th, signed by Señor Ruiz Gomez, of which a copy and translation is inclosed, communicating the action, or rather the intention, of the Spanish Government.

This note states that having asked information of the consul at Key West, and it appearing that the tax on cattle was collected under a misapprehension, on the 20th of May last it was ordered that the duty should be lowered to 10 cents per head, and that now the necessary orders will be sent that the consul at Key West may proceed to rectify the sums which have been wrongfully received, in order to return the same to the interested parties. It adds that the modification of the tonnage-tax is a question for very attentive and delicate study, requiring the approval of the Cortes, but that the Government is examining the subject with a view to a project of reform.

I also inclose a copy of my note of the 22d instant in reply. While I thank the minister for the promised return of the illegally collected tax, I express regret that the note did not contain an announcement of the intention of the Spanish Government to abolish the tonnage-tax altogether, and I thought it opportune to review briefly the position of our Government on that question.

But in view of the concession which has been made in the third article of the agreement of the 2d instant as to the tonnage dues in the West Indian trade, I consider it best not to press too strongly the general question, until we have secured that concession, which it seems will require the approbation of the Cortes. When that is gained the total abolition will be more easy. I have been the more confirmed in this view from an examination of the facts attending the original establishment of this tonnage-tax. By reference to Mr. Adee's Nos. 329, 342, and 372, of October, 1876, it will be seen that this tax was substituted for what is known as the "package"-tax, against which our Government had earnestly remonstrated, and that Mr. Adee, in transmitting the royal order of October 16, 1876, repealing the package-tax and imposing the tonnage-tax in its present shape, called the attention of the Department to the very points raised in the instructions of Secretary Blaine to Minister Hamlin, and asked the instructions of the Department upon them. I do not understand that the omission to give any instructions is to be taken as an acquiescence at the time in the tonnage-tax, as it is to be inferred that the Department considered the enforcement of the tax in specific cases as affording the most opportune occasion to protest against it.

* * * * * * *

I am, &c.

JOHN W. FOSTER.

[Inclosure 1 in No. 155.—Translation.]

Mr. Gomez to Mr. Foster.

MINISTRY OF STATE PALACE,
January 12, 1884. (Received January19, 7. 30 p. m.)

EXCELLENCY: This ministry duly received the notes which your excellency was pleased to address to it on the 16th July and 18th October last, relative to the claims presented by Mr. Mackay against the exaction of certain duties exacted by the consular agents of Spain at Key West on the exportation of live stock to the Island of Cuba, and insisting at the same time on the point of view adopted by the Republic in respect to the exaction of these same duties in the territory of the Union.

In reply I have the honor to inform your excellency that having opportunely asked of the said consulate information as to the collection of the 40 cents on each head of live stock, and it having been shown that this exaction was unjustified and was founded on a misunderstanding of one of the officials who had charge of the agency, this ministry ordered on the 20th May last that the above-mentioned duty should be lowered to the sum of 10 cents, which has been collected since said date; and now the necessary instructions will be sent that the consul at Key West may proceed to verify the general liquidation of the sums which have been wrongfully received, in order to return the same to the interested party.

As to the modification of the tariff in respect to the tonnage duty on the cargoes of vessels, I must repeat that it is a question for a very attentive and delicate study, as it treats of a reform of a legislative character, which can only be carried into effect with the consent of the co-legislative body; and I limit myself, therefore, in assuring your excellency that the Government is examining the general question of consular duties with all care, in order to present within the shortest possible time a general project of reform, which will embrace this special question and some others claimed by the innovations which have been introduced in commercial matters and exacted for the convenience of the public service.

I avail, &c.,

SERVANDO RUIZ GOMEZ.

[Inclosure 2 in No. 155.]

Mr. Foster to Mr. Elduayen.

LEGATION OF THE UNITED STATES,
Madrid, January 22, 1884.

EXCELLENCY: The note which your excellency's predecessor did me the honor to address to me, under date of the 12th instant, was received at this legation on the 19th instant, in which he informs me that the necessary instructions will be sent to the consul at Key West to return the cattle-tax wrongfully collected from citizens of the United States, and that the subject of tonnage dues on cargoes of vessels exacted by Spanish consuls in American ports is receiving examination with a view to a general project of reform.

I beg to express to your excellency the great gratification which I have experienced in receiving this new evidence of the spirit of justice which animates the Government of His Catholic Majesty, and I will hasten to communicate to Washington the resolution which has been taken to order the return of the cattle-tax wrongfully exacted by the Spanish consul at Key West.

While I thus manifest the pleasure which this information occasions, I am constrained to express some feeling of regret that the note of the 12th instant should not at the same time have contained the announcement of the intention of the Spanish Government to abolish the tonnage dues exacted by Spanish consuls in United States ports which gave rise to this cattle-tax. But it appears that the resolution to return the wrongful cattle-tax only extends to 30 cents of the 40 cents per head collected, and that 10 cents per head is to be retained by the consul, by virtue of the Spanish consular regulation which authorizes the collection of 10 cents per ton on all cargoes of vessels sailing from ports of the United States to Spanish ports. While the said note announces a determination to examine the general subject with a view to future modifications, it would seem that for the present the Spanish Government was disposed to sanction the collection of a tax by its consuls in the territory of the United States which had been expressly prohibited by the Constitution of those States.

This question of tonnage dues exacted by Spanish consuls has been the occasion of considerable correspondence between this legation and your excellency's predecessors, and I take the liberty of citing in this connection the notes of the legation of January 7 and September 22, 1882, and of July 16 of the past year as containing the

views of my Government thereon. In these notes it is shown that the tax collected by the consuls is not a specific fee for a specific service performed by the Spanish official, but that it is a pro rata tax on the cargo of the vessel, and is to all intents and purposes an export tax levied and collected by Spanish consuls in the ports of the United States; that as such my Government, as long ago as January 7, 1882, protested against it as objectionable, offensive, and inadmissible, and qualified it as a system which has for its object the collection of revenue in the ports of a foreign government; and it further gave notice that, if persisted in, it might become necessary to levy a similar duty in the United States on Spanish products shipped from the ports of Spain and its colonies to the United States. I need hardly repeat the conviction expressed in the note of my predecessor of January 7, 1882, entertained by my Government, that Spain does not intend or desire to put obstacles in the way of free commercial relations between the two countries, and that your excellency's Government does not propose to arrogate to itself the right to levy an export duty in the ports of foreign and friendly nations; but such is the real effect of the Spanish consular tonnage dues; and when I add that the people of my country are so hostile to all kinds of export taxes that from the foundation of the Government to the present day the National Constitution has contained a prohibition against the levy of all export taxes, your excellency will understand how impossible it is that my Government should acquiesce in the collection of the tonnage dues referred to, nor can I believe that when the full gravity of the question is understood by your excellency, you will allow the consuls of Spain in the United States to continue to violate the express provision of the National Constitution and disregard the solemn protests of my Government.

In view of the statement which is contained in the note of your excellency's predecessor to which I now reply, that the subject was receiving examination with a view to a project of reforms of consular duties, I have thought it well to make the foregoing reference to the attitude of my Government, and to express the hope that an early and satisfactory settlement may be reached.

I renew, &c.,

JOHN W. FOSTER.

No. 344.

Mr. Frelinghuysen to Mr. Foster.

No. 126.] DEPARTMENT OF STATE,
Washington, January 31, 1884.

SIR: Your dispatches No. 131 of December 27th and No. 135 of the 4th instant have been received. They throw considerable light on the negotiations lately conducted between yourself and the Ministers of State and of the Colonies looking toward a better understanding with regard to commerce between the United States and the Spanish West Indies. The text of the agreement signed January 2, which accompanied your No. 134, has just been received and affords occasion for drawing up the proclamation of the President suspending the additional ten per centum duty on products from the Antilles brought in Spanish vessels to the United States.

Enough was already known to satisfy this Government that the negotiation had been carried on with an equal desire on the part of Spain with that which we have shown to reach a broad understanding of the subject free from the technical considerations which have at times impeded it in the past. As we understand the agreement, it removes almost all of the difficulties in the way of that full and natural commercial intercourse which should exist between our ports and the Antilles. The good disposition of His Majesty's Government has been shown in so many ways in this matter, that it can hardly be doubted that Spain will with equal cheerfulness remove the few remaining causes of complaint. The promised revision of the customs ordinances of Cuba, for example, cannot, it is thought, result otherwise than in the

abolition of the present very objectionable system of disproportionate fines upon foreign shipping for constructive faults in a vessel's papers, and the substitution for the moiety scheme of penalties some device more just and equitable which, if through error or excessive zeal misapplied, may be wholly undone by executive action. This subject, however, is so fully treated in the recent instructions of this Department that it is merely adverted to now in order that its importance in the relations of the two countries may be kept in view.

So, too, with respect to the consular fee based on the exported cargo. The agreement covers this as to the future, and so far as Antillean trade is concerned; but a just disposition of all pending questions would require that the remedy be made general and effective as to past exactions. These matters are commended to your discretion.

With relation to the fifth article of the agreement providing that the two Governments shall consider a commercial treaty for the enlargement of the Spanish West Indian trade with the United States, I may remark that the present seems a propitious time for entering upon such a consideration of a subject equally momentous to both. The coming of a new representative of His Majesty, preceded by the reputation won in fields of statecraft and literature, is opportune, and this Government will have much pleasure in giving careful attention to whatever propositions may be made to it by Señor Valera. It may be premature to consider now whether it may be possible to bring about such intimate and reciprocal intercourse as would make the relation between the Antilles and the United States hardly inferior to that with the mother country, but that any commercial step in that direction would promise mutual benefit can hardly be doubted.

Congress having called for the correspondence anterior to the late agreeement, copies thereof have been prepared and transmitted by the President, at a recent date, to the Senate, with my report explanatory of the situation. The papers are now in the hands of the printer, and copies will be sent to you as speedily as may be. For the present, I desire merely to congratulate you anew upon the progress you appear to have made toward a more perfect understanding of the mutual needs and wishes of the two countries in respect of the Antillean trade.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 345.

Mr. Foster to Mr. Frelinghuysen.

No. 168.] LEGATION OF THE UNITED STATES,
Madrid, February 14, 1884. (Received March 4.)

SIR: On the morning of the 9th instant I received your telegram of the 8th, in which you state that the President's proclamation will be made public as soon as you have notice from me that royal action is taken to put in execution Articles I, IV, and VI, on the 1st of March next.

On the day of the receipt of your telegrams, I called on the Minister of State and informed him of your approval of his proposition to put in operation the articles mentioned. The question then arose as to the best method of carrying them into effect. Señor Elduayen said that he

was embarrassed in the matter by the action of his predecessor in submitting the agreement of January 2 to the Cortes. If that step had not been taken, he would have been left free to put into operation such of its stipulations as he felt authorized to execute, and ask authorization of the Cortes for those which required the approbation of the legislative power. But while Señor Ruiz Gomez may not have intended to submit to the Cortes more than Article III, the project of law prepared by him did in fact submit the whole agreement, and so long as it was pending before the chambers he would not feel authorized to act upon it. He suggested, however, that in view of the fact that the sessions of the Cortes had been suspended and that no action could be had upon the agreement before the 1st of March, it seemed to him that the most practicable thing to do was to make a new agreement embodying the stipulations of the one of January 2, and separating it into two parts, embracing in the first those articles which the Government of Spain had the power to carry out on the 1st of March, and in the second those articles which would require the authorization of the Cortes.

I responded that while I had objected in our previous interview to his suggestion of annulling the agreement, I was quite ready to join him in any action which would relieve his Government from the embarrassment which he had explained, provided the stipulations of that agreement were not impaired. It was not the form but the substance of that instrument which I was interested in preserving, and since he had approved of all its articles upon their merits, I would very cheerfully accept his suggestion, if it would facilitate his Government in executing the stipulations.

It was accordingly agreed that the minister would have a draft of a new agreement prepared in the sense indicated, and that I should call at the ministry on the 11th instant to examine it with him. This I did at the hour indicated, and Señor Elduayen submitted to me the draft substantially as signed. He said that he had omitted Article V of the agreement of January 2, for the reason that it appeared that it had been suggested by the Spanish Government under a misapprehension that a discriminating tonnage duty was charged in the United States on Spanish vessels. This, it appeared, was not the case and there seemed no necessity for retaining it. Article VIII was also omitted from his draft for the reason that in separating the new agreement into two parts, namely, the stipulations which were to be carried into effect March 1 and those which required the approbation of the Cortes, in neither of which this article couldbe embraced. The two Governments were always authorized to negotiate on the subject of commercial matters; and the minister said he very heartily indorsed the views of his predecessor as specified in the article, and was prepared to act upon it at the convenience of the United States.

I told the minister that as the two articles omitted in his draft had been originally inserted at the request of the Spanish Government I would not object to their omission in view of his declarations respecting them. After some further conversation as to the preparation of the new agreement for signature and fixing upon yesterday, the 13th instant, as the time for that purpose, I took my leave.

On yesterday at 3 p. m. I called at the ministry of state, accompanied by Mr. Reed, secretary of legation, who compared with the sub-secretary of state the duplicate original agreement. While this was being done I said to the minister of state that while it had been my desire to preserve intact the agreement of January 2 last, I had yielded to his (the minister's) request to modify it in order to obviate what he con-

ceived to be insuperable constitutional and parliamentary objections to its enforcement on the 1st of March, with the understanding that the original agreement was not to be essentially changed in substance, but only in form and in the time of its execution. In the agreement, however, about to be signed there were omitted articles 5 and 8 of that of January 2, and while his reasons given for their omission had been accepted by me as satisfactory I thought it well to place these reasons on record in writing. I accordingly handed him the memorandum, of which I inclose a copy, accompanied by a Spanish translation.

The minister, after reading it, said that it was a perfectly correct statement, and he was gratified that I had prepared it, as it was a document quite pertinent to and explanatory of the modified agreement. He further stated that in order that there might be no misunderstanding he would address me an official note acknowledging its receipt and express his conformity with its statements.

The new agreement was then signed by the minister and myself, in the presence of the secretary of legation and the sub-secretary of state. I now transmit herewith the original agreement belonging to our Government, and I trust that my action in connection therewith may meet with your approval.

At 7 o'clock last night I sent you a cablegram advising you of the signing of the new agreement, also that the royal decree putting it in operation March 1 on the part of Spain would be published on Saturday next, the 16th, and that I had agreed that the President's proclamation should appear at as nearly the same time as possible.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 168.]

Mr. Foster, the minister plenipotentiary of the United States of America, desires to have it understood—

First. That he has consented to the omission from the new agreement to be this day signed by him with the minister of state of the Spanish Government of article 5 of the agreement of January 2 last, for the reason that it was originally inserted at the request of the Spanish Government, and that the present minister of state expresses the conviction that there is now no occasion to include it.

Second. That he likewise consents to the omission of article 8 of the agreement of January 2 last, upon the declaration having been made to him by the minister of state, the Marquis del Pazo de la Merced, that its insertion does not seem pertinent to the object to be attained by the agreement to be this day signed; but that such omission is not to be understood as a disapproval of negotiations for a complete treaty of commerce and navigation between the United States of America and the islands of Cuba and Porto Rico, and that the Spanish Government will hold itself ready to enter upon such negotiations without unnecessary delay.

MADRID, *February* 13, 1884.

No. 346.

Mr. Foster to Mr. Frelinghuysen.

No. 170.] LEGATION OF THE UNITED STATES,
Madrid, February 15, 1884. (Received March 5.)

SIR: This morning at an early hour I received your cablegram of yesterday, stating that the President's proclamation suspending the 10 per cent. extra duty will be published on to-morrow (Saturday), and asking for the exact text of the new agreement.

I sent you at once a cablegram as follows: "New agreement published in Gazette this morning, with Royal Decree putting it in operation March 1st. Will telegraph full text immediately."

On yesterday afternoon I received a private note from the minister of state, informing me that the King had signed the decree, and that the publication of it would be made this morning in the Gazette, but it was then too late to advise you in time to secure the concurrent issuance of the President's proclamation. The royal decree embodies the text of the agreement in full, and orders its prompt observance. The minister of ultramar informed me to-day that the instructions to the authorities of Cuba and Porto Rico were being then prepared, and that he expected to telegraph them to-night.

At 12.30 to-day I sent you, as requested, a cablegram, giving the text of the agreement, with an explanation as to the omission of articles 5 and 8 of first agreement.

I met Señor Cánovas, president of the cabinet, last night, and the ministers of state and ultramar to-day, and all of them manifested great satisfaction at the happy conclusion of the business, and expressed warm desires for continued good commercial and political-relations between the two nations.

I am, &c.,

JOHN W. FOSTER.

No. 347.

Mr. Foster to Mr. Frelinghuysen.

No. 184.] LEGATION OF THE UNITED STATES,
Madrid, March 3, 1884. (Received March 24.)

SIR: Señor Portuondo, Cuban deputy in the Cortes, has written an article exposing the glaring inequality, as compared with the Spanish tariff, of the import duties collected in the Cuban custom-houses, and showing their depressing influence upon the industries of that island. I think it will be found interesting and useful in connection with the study which I infer the Department is making of Cuban commercial matters in view of the contemplated treaty negotiations, and I therefore inclose a translation herewith.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 184.]

From "Revista de las Antillas" of February 27, 1884. Translation.

ECONOMICAL STATE OF CUBA.

The second factor of ruin and destruction in Cuba is the import duty. Let us examine the tariff; let us compare and coolly appreciate its errors and its enormities. Our assertion will thus be demonstrated.

Cereals pay at present on entering the island to the extent of $0.115 the kilogram if they come from Spain, and to the value of $0.42 if they proceed from foreign nations; or, in other words, $1.15 (5.75 pesetas) in the first case for every 100 kilograms, and $4.20 (21 pesetas) in the second case for every 100 kilograms. Flours pay, respectively, $2.25 (11.35 pesetas) and $5.51 (27.55 pesetas) for every 100 kilograms.

In reality the export of Peninsula cereals to the Antilles is null, or nearly null, and that of flour, always insignificant in comparison to the consumption which ought to correspond to 2,300,000 inhabitants, is now much less, on account, doubtless, of the growing wants of the consumption in the Peninsula, of the decline of harvests as an

accidental cause, and of the known insufficiency of the production as a permanent cause. The importers in Cuba well know that the grain proceeding from the peninsula is not Spanish in its greater part, but foreign, brought to Spain and re-exported thence for speculation; and the retail merchants and consumers in the Antilles know in the same way that the real price of sale is regulated by the duty which weighs on that proceeding from foreign lands. It is therefore not to be doubted that in order to appreciate the conditions of life and existence in Cuba the starting point is that of 27.55 pesetas as import duty on every 100 kilograms.

Foreign flours pay in the Peninsula, according to the tariff and laws in vigor, 6.30 pesetas for every 100 kilograms. So that here in the Peninsula, where there is a production which the protectionists pretend to favor, the duty is 6.30 pesetas, whilst in Cuba, where this production does not exist and there is no idea of protection, the duty is 27.55 pesetas. Honest men, those who occupy themselves concerning the life and the fate of this poor consuming people and concerning the labor classes in Spain, think and declare with more than reason that this duty of 6.30 pesetas imposed on food has no justice, nor does it arise from sentiments of humanity. What shall we say of the frightful sum of 27.55 pesetas?

Meats pay, on their entry into Cuba, according to their various classes, from $0.028 per kilogram, which corresponds to hung beef, to $0.193 which corresponds to the superior classes, without counting among them those preserved by the extraction of air. That which is equivalent to $2.80 (14 pesetas) for the first, for every 100 kilograms, and $19.30 (91.30 pesetas) for the second, also for every 100 kilograms. The duty which weighs on these same articles in the Peninsula, according to tariff is 2.80 to 5.70 pesetas for every 100 kilograms. So that so indispensable an element of life as is meat is taxed in Spain, on entry, at 2.80 or 5.70 pesetas; which, without doubt is unjust and the cause of the bad food of the working classes. For this reason the poor people do not eat meat nor does hardly the soldier eat it; the most eminent surgeons and military doctors always fear fatal results when they are obliged to operate on these unfortunates who lack the vigor and strength for resisting. There is more than reason for complaint for the Spanish people of the Peninsula, and the energetic protestations which men of good judgment and warm heart express against such a grievance and such a great error are well founded. And if we say this in reference to the consumer who lives in the Peninsula, what shall we say of the inhabitants of the Antilles? Figures speak for us. The state taxes the first 2.80, and taxes the second 14; or exacts from one 5.70 and exacts from the other 91.50.

Salt fish pay on entry to Cuba, according to their grades, from $2.45 to $24.10 on each 100 kilograms, or from 12.25 pesetas to 120.50 pesetas. The duty which weighs on these same articles in the tariff of the Peninsula is from 1.50 to 17.50 pesetas every 100 kilograms. That is to say, a difference of from 1.50, to 12.25 or from 17.50 to 120.50.

Rice pays in Cuba for import duty, including the subsidy, 52.50 pesetas per 100 kilograms. In the Peninsula, according to the tariff, the duty is 8 pesetas for the same weight. With very great reason this protection and privilege in favor of the Valencia production and detrimental to the consumer is cried out against. And what shall we think or say of justice in the Antilles, where there is no rice production to protect? It suffices to compare figures. The comparison is as 8 to 52.50.

The food of the laborer in Cuba comes so dear, in spite of being bad and limited, that in order not to absorb completely the wages it is necessary to raise them to a figure really indefensible; and even then the physical force is poor and of limited resistance. The preceding figures, the exactitude of which there can be no doubt about, show, with vigor, that only by reason of the rigorous tariffs, and even without counting impositions, of which we shall speak later, the subsistence of the workingman in Cuba is infinitely dearer than in Spain, as it is well known, in proportion to the difference of wages.

The workingman must, besides, clothe himself. Let us examine also under this head the tariff of Cuba, comparing it with that of the Peninsula. In the first place, and without even entering into numerous details, it is remarked that the groups of texture embrace 28 parts in the tariff of the Peninsula, whilst in that of Cuba the number mounts to 130, with a quantity of heads and classifications which is known always to constitute a motive of unjust exaction, or frauds and abuses. Further it is observed that in manufactures of cotton and wool, which the working class needs as much in the Antilles as in Europe, these are oppressed with a duty of 2.10 pesetas the kilogram, those with one of 5.18 pesetas, and those which pay 3.50 pesetas pay in Cuba up to 20.81 pesetas. It must be taken into consideration, in conclusion, that in the duties which affect the fabrics of linen and those of silk, much used in the Antilles by the well-to-do classes, there are even greater differences, as from 4.20 pesetas the kilogram to 23.95, and from 7.50 to 69.40. Let it be taken into account that in various of the numbers that we have cited from the tariff of the Peninsula, the reduction lately granted by the Cortes on re-establishing, although only in part of the reform of 1869, is not made.

B. PORTUONDO.

No. 348.

Mr. Frelinghuysen to Mr. Foster.

[Extract.]

No. 140.] DEPARTMENT OF STATE,
Washington, March 12, 1884.

SIR: The Department is in receipt of a despatch from our consul-general at Havana, setting forth the variety and extent of annoyance and injury attendant, in Cuba, upon the manner in which the laws and regulations concerning passports are there carried out, and, so far as this condition of things affects American citizens, you are desired to make urgent representations to His Catholic Majesty's Government. The Government of the United States requires no passports of foreigners coming here; but is not for that reason disposed to object in any wise to the just or supposed proper requirements of other Governments in this regard, nor has it done so. The position of the United States, in either aspect above, or in both combined, would seem to be such as to entitle it to a very careful and considerate hearing when it ventures, as it now does, to bring to the attention of a central Government a catalogue of annoyances, vexations, and injuries, visited by the quite unnecessarily loose or more blamable methods of the local officials of that Government, upon all our citizens visiting the island, indiscriminately. This Government now brings no reflection on the requirement of a *visé* on the passport given its citizens, or the charge therefor, any more than on the requirement of the passports themselves, but only on the methods in vogue with reference to its affix. The failure to obtain a *visé* involves, in the first place, a certain fixed penalty; but no pains are taken to acquaint the visitor that his failure so involves a penalty, while the neglect to demand a passport in many instances, and the omission to *visé* the same, when it is demanded, in many others, are well calculated to suggest to the visitor the non-necessity of such an act. It is when he is about to leave the island that he discovers the infirmities consequent on the absence of the *visé*, which should have been required on his arrival. He now finds that he cannot leave the island until his passport has been *visaed* at the port where he entered, which may be hundreds of miles distant, and to be reached only by a weekly steamer. Sometimes a new passport, obtained of the consul-general at an expense of $5, *visaed* at a further expense of $4.25, is allowed to remove the hindrance to his departure, but not always, and the new passport in that case, it is declared, must be sent to the port of landing for a *visé*. Cases arise where, the steamer sailing at 4 p. m., the visitor is told by official clerks on whom he calls at 2 p. m., that he must come at 3 p. m., and this when these clerks are idle.

Again American money has been refused for these charges, though worth 10 per cent. more than Spanish gold; but this is mentioned, not as indicating any disposition to criticise the right of the officials to require payment in the national funds or moneys, only as (in the view of the consul-general) an unnecessary refusal under the circumstances.

It may be, of course, contended that ignorance of the law on the part of our citizens is no valid excuse for neglecting to ask for and procure the necessary *visé*, and that our own steamship companies (where these are the carriers) should find it their pleasure, if not their interest, to make these requirements respecting *visé* known to the public. It remains nevertheless true that it should lie within the execution

of the passport law of His Majesty's Government on the Island to reduce by judicious means, these annoyances and injuries to an almost inappreciable quantity and this Government has a natural right to expect that no American citizen shall in any case be prevented from returning to his home, at his own free will, by the simple neglect of any Cuban officer whatever to do his official duty.

* * * * * * *

Commending the matter to your usual judicious attention, I am, sir, &c.,

FRED'K T. FRELINGHUYSEN.

No. 349.

Mr. Frelinghuysen to Mr. Foster.

No. 141.] DEPARTMENT OF STATE,
Washington, March 13, 1884.

SIR: Your No. 168, of the 14th ultimo, has been received. The text, which it forwards, of the substitutionary agreement signed by you and the minister of state on the 13th ultimo, has been compared with the text as received by cable and proclaimed by the President, and the latter is found to have been substantially correct, as you will have seen by the copies sent to you.

The reasons given for the omission of Articles V and VIII are accepted. Article VIII of the original agreement of January 2 was never regarded by us as essential to an understanding or as importing more than a mutual declaration that the two Governments desired a better and more comprehensive commercial agreement than that thus created. The declaration simply recognized an existing fact; it did not create a situation. In this sense, your reference thereto in the memorandum (inclosure No. 2) which accompanies your No. 168 is approved.

The situation as regards the omission of Article V is somewhat different. It is true, as the minister says, that in the United States there is imposed no discriminating tonnage duty against Spanish ships. Hence there was no mutual obligation to decree their removal. But the tonnage duties in Cuba and Porto Rico are understood to be higher than those in our ports, and in the case of vessels making regular trips at short intervals, more onerous than ours. It is very desirable that the tonnage dues on Spanish and American shipping should be approximately equal and uniform in the ports of the two countries. The omission of Article V cannot therefore be construed as an admission on our part that such an equalization of treatment is no longer desirable.

A fuller instruction, touching the negotiation of a complete commercial treaty between the two countries, is in process of preparation, and will soon be sent to you.

I am, sir, &c.,

FRED'K T. FRELINGHUYSEN.

No. 350.

Mr. Frelinghuysen to Mr. Foster.

[Extract.]

No. 144.] DEPARTMENT OF STATE,
Washington, March 17, 1884.

SIR: I inclose copies of a circular of the Treasury Department of the 28th ultimo, touching the suspension of discriminating duties on importations in Spanish vessels from Cuba and Porto Rico. * * *

I am, sir, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 144.]

CIRCULAR.

NO DISCRIMINATING DUTIES ON IMPORTATIONS IN SPANISH VESSELS FROM CUBA AND PORTO RICO.

TREASURY DEPARTMENT,
Washington, D. C., February 28, 1884.

To collectors of customs and others:

The attention of collectors of customs and other officers concerned in the collection of the revenue from customs is invited to the provisions of the following proclamation by the President, whereby goods, wares, and merchandise imported into the United States in Spanish vessels from the islands of Cuba and Porto Rico are relieved from the discriminating duty of 10 per cent. ad valorem heretofore collected under section 2502 Revised Statutes. The collection of such discriminating duties is therefore suspended until otherwise ordered.

CHAS. J. FOLGER,
Secretary.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

A PROCLAMATION.

Whereas by a memorandum of an agreement executed at Madrid on the 13th day of February, A. D. 1884, by and between the duly authorized agents and representatives of the Government of the United States of America and of the Government of His Majesty the King of Spain, satisfactory evidence has been given to me that the Government of that country has abolished the discriminating customs duty heretofore imposed upon the products of, and articles proceeding from, the United States of America imported into the islands of Cuba and Porto Rico, said abolition to take effect on and after the 1st day of March next:

Now, therefore, I, Chester A. Arthur, President of the United States of America, by virtue of the authority vested in me by section 4228 of the Revised Statutes, do hereby declare and proclaim that, on and after the said 1st day of March next, so long as the products of, and articles proceeding from, the United States, imported into the islands of Cuba and Porto Rico shall be exempt from discriminating customs duties, any such duties on the products of, and articles proceeding from, Cuba and Porto Rico under the Spanish flag shall be suspended and discontinued.

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 14th day of February, in the year of our Lord 1884 and of the Independence of the United States the one hundred and eighth.

[SEAL.] CHESTER A. ARTHUR.

By the President:
FRED'K T. FRELINGHUYSEN,
Secretary of State.

No. 351.

Mr. Frelinghuysen to Mr. Foster.

No. 145.] DEPARTMENT OF STATE,
Washington, March 21, 1884.

SIR: I transmit herewith for your information copies of a letter addressed to me by the Secretary of the Treasury, and my reply thereto, touching a request made by the Spanish consul at Baltimore to be furnished by the collector of customs at that port with periodical certificates of the cargoes of sugar, mollasses, and tobacco imported from Cuba and Porto Rico, giving the name and flag of the vessel, date of entry, port of clearance, number and description of packages, and weight in American pounds, &c.

This request of Mr. Navarro, the consul, would appear to have been made under a misapprehension of the purport and scope of the third article of the agreement signed at Madrid February 13, 1884. Such a request has not been made, so far as known, by any other consular officer of Spain in the United States.

From the reply made to Mr. Folger's inquiry, it will be seen that this Government construes the engagement in accordance with its evident intent, and will require its customs officers to give to any Spanish consul, whenever he may request it, a certificate in respect to the cargo of sugar or tobacco brought by any designated vessel to our ports. Al though molasses is not mentioned in the agreement, it may be deemed comprised under the general phrase "sugar."

It is of course, evident, that the agreement could not have contemplated requiring our customs administration to prepare for the information of the Spanish consuls detailed periodical statements of every package of the articles in question brought to the United States from the Antilles. Besides entailing an amount of labor not necessary to compliance with the agreement, and which this Government, even in the interest of its own revenues, could not well ask of any foreign Government under like circumstances, there is involved a question of responsibility which appears to be decisive. There is the distinction between courteously furnishing specific information when it may be needed and requested, and an obligation to make a comprehensive and exact return, omitting not even isolated packages found in a general cargo or entered by passengers as personal effects.

I am, sir, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 145.]

Mr. Folger to Mr. Frelinghuysen.

TREASURY DEPARTMENT,
Washington, March 13, 1884.

SIR: I have the honor to state that this Department is in receipt of a letter, dated the 8th instant, from the collector of customs at Baltimore, in relation to a request of Mr. José de Navarro, consul of Spain at that port, to be furnished with certificates from time to time of cargoes of sugar, molasses, and tobacco imported from Cuba and Porto Rico, giving the name and flag of the vessel, date of entry, port of clearance, number of hogsheads, bags, or boxes, net weight in American pounds, &c.

The collector states that a compliance with the request made involves considerable labor, and would require a regular periodical report to the consul.

I will thank you to state whether under the recent agreement between the Spanish Government and the United States, mentioned in the proclamation of the President of the 14th ultimo, or any other similar agreement, this Government is now required to furnish the certificates above mentioned.

Very respectfully,

CHAS. J. FOLGER,
Secretary.

[Inclosure 2 in No. 145.]

Mr. Frelinghuysen to Mr. Folger.

DEPARTMENT OF STATE,
Washington, March 20, 1884.

SIR: I have had the honor to receive your letter of the 13th instant, in which you inform me of the request of the Spanish consul at Baltimore to be furnished from time to time with certificates of the cargoes of sugar, molasses, and tobacco imported from Cuba and Porto Rico, giving the name and flag of the vessel, date of entry, port of clearance, number of packages, and weight in American pounds, &c. You mention the collector's statement that compliance with this request would involve considerable labor and require "a regular periodical report to the consul." You accordingly ask whether these certificates are required under the recent agreement.

In reply, I have the honor to state my belief, founded on the reports of Mr. Foster, who negotiated the agreement, that the third article of the agreement of February 13, 1884, merely contemplates furnishing in any particular case, when specially requested by the Spanish consul, a statement of the quantities of sugar, molasses, and tobacco forming the cargo of a vessel.

The object of the arrangement is to enable the Spanish authorities to enforce the collection of the export tax levied on those products in the Antilles, in respect of which the insular revenues are often defrauded. A case recently occurred at Cienfuegos where 1,000 hogsheads of sugar were shipped without paying export dues. The knowledge that a ready means of detecting such frauds is available on the arrival of the cargo here would, it was thought, check the practice. When fraud is suspected by the Spanish officers, the consul can immediately procure from the collector a statement of the quantity imported by the suspected vessel, and thus substantiate or disprove the suspicion.

The intent was clearly that in case of need a special favor might be asked and granted. Periodical reports in detail of all importations of this character would practically entail upon the several custom-houses a responsibility in the interest of protecting the Spanish revenues which it could not have been intended to transfer from the Spanish consuls to our collectors of customs.

I would suggest that a circular be sent to the collectors of customs, instructing them that whenever a Spanish consular officer shall request the certificate contemplated in article 3 of the agreement of February 13, 1884, it is to be promptly furnished in respect of any designated vessel, and will be confined to a statement of the quantities of sugar, molasses, and tobacco brought by such vessel.

A copy of this correspondence will be furnished to the Spanish minister here and to our representative at Madrid, for their information.

I have, &c.,

FRED'K T. FRELINGHUYSEN.

No. 352.

Mr. Foster to Mr. Frelinghuysen.

No. 199.] LEGATION OF THE UNITED STATES,
Madrid, April 1, 1884. (Received April 21.)

SIR: Referring to your instruction No. 140, of the 12th ultimo, I have to report that on yesterday I sent to the Minister of State a note in regard to the manner in which the passport system is enforced in Cuba, and in doing so I have adopted almost the exact language of your in-

struction. To this I added the hope that it might be found convenient to send such instructions to the authorities of Cuba as would put a stop to the evils complained of and relieve the citizens of the United States visiting that island from unnecessary annoyance.

I am, &c.,

JOHN W. FOSTER.

No. 353.

Mr. Foster to Mr. Frelinghuysen.

No. 200.] LEGATION OF THE UNITED STATES,
Madrid, April 2, 1884. (Received April 21.)

SIR: I transmit herewith a copy and translation of a note of the 26th ultimo from the Minister of State, received on the 29th, on the subject of the Cuban embargoed estate claims. The minister, after excusing the delay which has occurred in replying to my note of November 14, last, explains that the words "new claims" in his predecessor's note of November 3 did not imply that they were not already known to the Spanish Government, but that they were considered new in relation to those already decided by the late commission. He repeats the declarations of Señor Ruiz Gomez, that the importance of the sums claimed and the attendant circumstances require a careful examination and report from the Minister of Ultramar, and while he assures me that this will be made with all possible diligence, he reminds me that our own Government knows, by its own experience in considering the reclamations of Spain in regard to the Florida and civil war claims, how delays in the settlement of questions of this character must necessarily occur.

In view of my expected early visit to Washington I have thought it best to defer the acknowledgment of this note until after I have had a conference with you. I am promised by the minister an interview to discuss this as well as other pending subjects before my departure, and I hope to be able to give you a more satisfactory account of the views of the Spanish Government respecting these claims than I have thus far done.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 200.—Translation.]

Mr. Elduayen to Mr. Foster.

MINISTRY OF STATE PALACE,
Madrid, March 26, 1884.

EXCELLENCY: This ministry, at present under my charge, duly received your excellency's note of the 14th November last, in answer to that which my predecessor, Señor Ruiz Gomez, had addressed you on the 3d of the same month, in regard to the claims presented by the legation, under date of the 2d and 3d July of last year, on account of the embargo of estates of North American citizens during the late Cuban insurrection.

In now charging myself with the said note of your excellency of the 14th November, whose answer has been delayed by the many occupations which demand the attention of every minister in the first month of his ministerial duties, I must, above all, inform your excellency that in my judgment the words which your excellency controverts, to wit, "new claims" (nuevas reclamaciones), employed by my predecessor in referring to those presented on the preceding 2d and 3d July, do not signify that they were not already known to the Government of His Majesty, but that

they were considered new in relation to those which had just been decided by the late commission of arbitration, on account of which Spain was on the point of paying to the United States 10,000,000 of reals, approximately, an amount of some importance for the resources of the Spanish treasury, and at present already paid in its totality.

As to the other arguments contained in your excellency's note, to which I have the honor to answer, it does not appear to me that they weaken in any respect that which my predecessor expressed to your excellency on the 3d of November last. In examining the voluminous correspondence remitted to this ministry by your legation on the 2d and 3d of July of last year, from which it results that Spain, which within recent dates has paid to the United States more than thirty million reals, would still appear as debtor for another hundred, my predecessor informed your excellency that the importance of the sums which were claimed, as well as the necessity of verifying their correctness, and, above all, to ascertain if the claimants compared with the subjects of His Majesty had made use of all the measures which Spanish legislation concedes to them for the defense of their interests, the authorities of Cuba denying them justice, the only case in which the Government of His Majesty admits diplomatic action—all these circumstances exacted a careful examination and a just report from the Ministry of Ultramar (colonies), the only competent authority to make the necessary explanations on each one of the questions which are the object of the reclamations of your excellency.

On my part I will add that these [claims] have already been transmitted to the said ministry, recommending to it all possible diligence without considering it necessary that I should repeat that the Government of His Majesty will attend to the reclamations presented by your excellency in your notes of the 2d and 3d of July of last year, in so far as they may be just and equitable, with the same spirit of equity of which it has given repeated proofs to the Government of the American Union, hoping that the latter will not, in its turn, fail to take into consideration the difficulties which oppose a resolution as promptly as Spain would wish, since it knows by experience, recalling not only our already repeated reclamations relating to the settlement of the Florida debt, but the more recent claims arising in consequence of the injures suffered by Spanish subjects during the war of secession, the indispensable procedure necessary for the settlement of questions of such a nature, as well as the delays which, on account of its character, it must necessarily encounter.

I improve, &c.,

J. ELDUAYEN.

No. 354.

Mr. Foster to Mr. Frelinghuysen.

No. 201.] LEGATION OF THE UNITED STATES,
Madrid, April 4, 1884. (Received April 21.)

SIR: It will be seen by the inclosures herewith that steps have at last been taken by the Spanish Government to carry out the long-promised reform in its consular tariff. A commission has been appointed by royal decree to revise the existing consular tariffs with a view to the submission of the projected reform to the Cortes for its approbation.

The minister of state in his "exposition" refers, among other reasons for the revision, to the international engagements recently contracted, doubtless having in mind the additional article of our agreement of February 13 last, respecting the abolition of consular tonnage dues for the West India Islands. I have not omitted the opportunity, afforded by the publication of the royal decree nominating the commission, to bring to his attention the remonstrances of our Government against these tonnage dues. In my note of the 2d instant, of which a copy is inclosed, I have recited the correspondence of this legation on the subject, and have asked the Minister of State to bring this correspondence to the notice of the commission with such favorable recommendation as will secure the abolition of the objectionable dues for the entire commerce between the United States and Spain.

I propose, also, as far as I can, to secure the co-operation of my diplo-

matic colleagues of the leading commercial nations by notes of similar purport as the one I have sent to the Minister of State. The representatives of Great Britain and of other Governments have already signified to me their intention to follow my action.

I am, &c.,

JOHN W. FOSTER.

[Inclosure 1 in No. 201.—Translation.]

[From the Gaceta de Madrid, March 28, 1884.]

MINISTRY OF STATE EXPOSITION.

SEÑOR: On the 15th June, 1874, the consular tariffs were revised with an object to regulate and make uniform on equitable bases the collection of the obventional fees received by the agents of Spain in foreign countries on account of the numerous acts of their official duties, providing at the same time that the special services which they render may be justly recompensed by the persons soliciting them.

The well known and constant spread which mercantile transactions have acquired since then, the reforms introduced in the public administration, and even the indications of opinion, now advise that all possible facility be given to trade, modifying the orders and the application of regulations little justified, and harmonizing the consular tariff with the international compromises recently contracted, without on this account leaving unprovided for the legitimate remuneration of the guarantee which the intervention of consular agents offers to commerce in its lucrative operations.

In order to prepare this work with indispensable care and attention, so as to present it to the approbation of the Cortes, the undersigned minister believes the nomination of a commission composed of functionaries of recognized competency is necessary, which may in a brief time carefully examine the points which ought to be reformed, fix with clearness the articles of the tariff, with the object of preventing doubtful interpretations, and draw up the project of the new consular tariff, endeavoring to satisfy the legitimate aspirations of commerce without impairing the interests of the state.

Founded on these reasons the undersigned minister has the honor to submit to the approbation of Your Majesty the following project of decree.

Madrid, March 27, 1884.

JOSÉ ELDUAYEN.

ROYAL DECREE.

Taking into consideration the reasons exposed to me by my Minister of State, in accord with the opinion of the council of ministers, I decree the following:

ARTICLE 1. The nomination of a commission composed of the chiefs of the section of administration and commerce, of the ministry of state, of the directors-general of customs and of taxes ("impuestos"), of the ministry of finance, and of two officials of the consular corps, the most recent appointee performing the duties of secretary, is approved, in order to proceed to the revision of the present consular tariffs.

ART. 2. The Minister of State is authorized to attach to said commission one or more merchants, or persons who may possess recognized competency in the matter, in order that they may illustrate, with their practical knowledge, the resolutions adopted.

ART. 3. The commission will endeavor to report its work within a brief time, and will conform itself in the fulfillment of its charge to the regulations, which will be previously dictated for the arrangement of this question.

Given at the palace on the 27th of March, 1884.

ALFONSO.

The Minister of State,
JOSÉ ELDUAYEN.

MINISTRY OF STATE, OFFICE OF UNDERSECRETARY.

In compliance with the provisions of the royal decree of the 27th March, 1884, creating a commission for the revision of the present consular tariffs, His Majesty the King (whom God guard) has been pleased to nominate on the same date, to form part of the said commission Don Jacobo Prendergast y Gordon, Don Isidore Millas, Don Placido de José y Hevia, Viscount de Campo Grande, Don Rafael Atard, Don Balbino Cortes y Morales, consul-general, pensioned, and Don Antonio Vazquez y Lopez, consul of the second class, retired, who will perform the duties of secretary.

[Inclosure 2 in No. 201.]

Mr. Foster to Mr. Elduayen.

LEGATION OF THE UNITED STATES,
Madrid, April 2, 1884.

EXCELLENCY: I have been greatly gratified to notice the enlightened exposition which your excellency addressed to His Catholic Majesty on the 27th ultimo and the royal decree of the same date, providing for the appointment of a commission to revise the existing Spanish consular tariff and to have it conform to existing international compromises and the freedom of commercial intercourse with other nations. I trust I am not mistaken in the conviction I entertain that in the appointment of this commission your excellency had in view, among other reforms, the abolition of the tonnage dues levied and collected by Spanish consuls on cargoes of vessels in the ports of the United States and other nations.

I need not remind your excellency of the attitude assumed by my Government on this subject, but I beg to suggest that the attention of said commission may be directed to the correspondence which has passed between this legation and your excellency's department, and especially to the notes of this legation of January 7, 1882, July 16, 1883, and January 22 of the present year. The last of these notes contains a recapitulation of the views of my Government, showing that it is virtually an *export tax*, levied and collected by Spanish consuls in the ports of the United States, and that as all export taxes are prohibited by the Constitution of the United States, it is an exaction of duties in which it is not possible for my Government to acquiesce. In view of the fact that your excellency, with a commendable spirit of commercial freedom, has already agreed with me, by virtue of the agreement of February 13 last, to ask the Cortes to authorize the abolition of this duty so far as trade with Cuba and Porto Rico is concerned, I do not doubt that it will be decided by said commission to extend the abolition to the entire commerce between the United States and Spain.

Confident that your excellency will submit this subject with such favorable recommendation to the attention of the commission referred to as will secure an entire abolition of these objectionable dues,

I have, &c.

JOHN W. FOSTER.

No. 355.

Mr. Reed to Mr. Frelinghuysen.

No. 247.] LEGATION OF THE UNITED STATES,
Madrid, April 8, 1884. (Received April 21.)

SIR: Referring to Mr. Foster's No. 199 in regard to passports in the Island of Cuba, I have now the honor to inclose herewith, for your further information, a copy and translation of a note dated the 3d instant, from the Minister of State, stating that the subject has been referred to the Minister of Ultramar, whose reply thereto will be sent to this legation as soon as received.

I am, &c.,

DWIGHT F. REED.

[Inclosure in No. 247.—Translation.]

Mr. Elduayen to Mr. Reed.

MINISTRY OF STATE PALACE,
April 3, 1884.

MY DEAR SIR: I have the honor to inform your excellency that so soon as I received your note of the 31st of March on the manner in which the laws and regulations in regard to passports are applied in the island of Cuba, I referred its contents to the minister of ultramar, whose answer I will hasten to transmit to your excellency so soon as it arrives in my power

Availing, &c.,

J. ELDUAYEN.

No. 356.

Mr. Reed to Mr. Frelinghuysen.

No. 249.] LEGATION OF THE UNITED STATES,
Madrid, April 16, 1884. (Received, May 3.)

SIR: I have the honor to inclose herewith, for your information, a copy of the "bases" agreed upon for the proposed reform of the Spanish customs regulations, as published in El Correo and copied by El Estandarte of the 29th of March last. I also inclose a translation of such of them as are deemed of interest to us.

Since the publication of these "bases," I have made inquiry in regard thereto, and have ascertained that a commission is now engaged in the ministry of hacienda (finance) on the revision of the regulations on the bases referred to. I am also informed that the new regulations agreed upon will not require the approval of the Cortes, but will be carried into effect by royal decree.

It is expected that these new regulations will be a decided improvement upon those now in force. The most important reform, however, is that mentioned in base twelfth, which proposes the doing away with what is known as the moiety system.

I have, &c.,

DWIGHT F. REED.

[Inclosure in No. 249.—Translation.]

[From the Estandarte 29th March, 1884.]

The Correo has published the approved bases on which the reform of the customs regulations is to be made. They are these:

1. *Commerce of importation; obligations of captains; (a) from abroad by sea.*—Will continue to exact from them the manifest of the cargo *visaed* by the consul of the port of origin, in which must be included, with the convenient separation, merchandise destined to parts of the Peninsula and those of transit.

EXCEPTIONS.

(1) Will not require manifest *visaed* by the consul, complete cargoes of all merchandise which pay less than 100 pesetas tariff duty per metrical tonnage.

(2) Captains of steam vessels of a fixed scale, may present in substitution of *visaed* manifests, bills of lading of the cargo, numbered and sealed by the consuls with a concise extract of said bills of lading *visaed* by the said official.

The administrators of customs may admit manifests written in a foreign language, exacting an official translation of the same, only in case it may be deemed necessary.

Captains need only present at each port of arrival a general manifest of the cargo and only a partial manifest of what they carry for a specified port.

* * * * * * *

3. *Consignees.*—Passengers and crews of vessels may be consignees of any class and amount of merchandise which they bring in their baggage, with the restriction that there must be included in the manifests of the captains or in the route certificate merchandise the duty on which amounts to more than 500 pesetas.

The consignees may ask the previous examination of the packages which come to their order, and the administrators of customs must concede it within a time not exceeding forty-eight hours.

In order to facilitate the operations of the customs, leaving assured the duties, the agents and commission merchants of the cities (or towns) where there is a custom-house of the first class will constitute a corporation body without numerical limitation, and its individuals will deposit a guarantee (fianza), personal or collective, to respond for the duties on the merchandise dispatched and for the trouble that may be incurred.

* * * * * * *

5. *Transit.*—Transit in vessels of whatever tonnage will be permitted, with restrictions only for tobacco, textures, and goods (generos) called colonial.

Greater facilities will be given than at present exist for transit by land. Vessels with a fixed itinerary may take merchandise in all ports, whatever may be the habilitation of its customs, giving previous notice to the direction-general of the branch.

6. Transshipment of merchandise will be consented to for vessels of whatever tonnage, with the restrictions named for transit.

* * * * * * *

12. *Fines and additional duties.*—The participation which the employés of the customs at present have in fines and additional duties will cease, the total amount of which will be turned into the treasury.

In order to recompense the officials of customs for the losses which this change may cause them, they will receive 2 per cent. of the annual increase of the receipts (on account of fines).

This gratification will be divided into two parts, one which will be distributed among the employés of those custom-houses which have rendered extraordinary or very laborious services, by previous declaration of the Minister of Finance, "hacienda," and the balance in proportion to the salaries of all the officials of the corps, according to distribution which will be made by the direction-general of customs.

No. 357.

Mr. Frelinghuysen to Mr. Reed.

[Extract.]

No. 163.] DEPARTMENT OF STATE,
Washington, April 17, 1884.

SIR: Referring to instruction No. 145 of the 21st ultimo, I inclose a a copy of a note* to the Spanish minister here, touching the request of the consul of Spain at Baltimore to be furnished with certificates of cargoes imported from Cuba, &c., and of the answer* thereto.

* * * * * * *

I am, &c.

FRED'K T. FRELINGHUYSEN.

No. 358.

Mr. Frelinghuysen to Mr. Reed.

[Extract.]

No. 165.] DEPARTMENT OF STATE,
Washington, April 24, 1884.

SIR: Referring to Mr. Foster's No. 201, with regard to "Spanish consular tonnage fees," I have to express the hope that the action of the legation directed to their abolition may be continued with good results. You will profit by any proper occasion to manifest the interest which this Government takes in the matter.

* * * * * * *

I am, &c.,

FRED'K T. FRELINGHUYSEN.

---

* For inclosures see documents numbered 365 and 366.

No. 359.

Mr. Frelinghuysen to Mr. Reed.

[Extract.]

No. 167.) DEPARTMENT OF STATE,
Washington, April 30, 1884.

SIR: The recent departure of one Carlos Aguero with a few adherents from Key West in a small schooner for Cuba has attracted considerable attention, and coupled with the reports of the secret organization of other similar expeditions, has been given an importance greater probably than it alone merits. For your information and for such use as occasion may hereafter demand, I communicate to you herewith the facts in the matter.

Aguero being in Key West, a demand for his extradition under the treaty was made by Spain. He was arrested in January last, pursuant to the extradition statute of the United States, and taken before a commissioner, who, finding the proofs insufficient, discharged him from custody.

In a note to this Department of the 17th ultimo Mr. Valera, the Spanish minister here, referred to conspiracies of Cuban refugees in this country against the Government of Spain, and stated that some of them professed a purpose of carrying their hostile designs into effect by means of dynamite. Mr. Valera further stated as a proof of public sentiment at Key West that upon the occasion of Aguero's discharge from custody there, the collector of customs and others gave public utterance to their exultation, and the minister expressed a hope that through the means at the disposal of the Attorney-General a remedy would be applied for this condition of affairs. You will notice that no charge against specific individuals was made other than the statement as to the collector's utterances. I, however, communicated the substance of Mr. Valera's suggestion to the Attorney-General, in order that the officers of the Department of Justice might be upon the alert.

Under date of the 27th March, Señor Valera informed the Department that Spanish newspapers in this country were threatening, and that he had received private information that Carlos Aguero was organizing, a hostile expedition at Key West against Cuba, for the prevention of which he asked that all means at the hands of the Executive might be employed.

Upon the receipt of this note, I immediately communicated with the Secretary of the Treasury, the Secretary of the Navy, and the Attorney-General, stating that Carlos Aguero, a fugitive whose extradition was recently requested and not granted, was reported by the Spanish minister as organizing and equipping at Key West a hostile expedition against Cuba with over 100 men in his party, fully armed, and provided with bombs and other destructive explosives; that such an expedition falls clearly under the provisions of the neutrality laws, exposes its authors to criminal prosecutions, and that it is incumbent upon this country to investigate the report, and, if verified, to use all available means to prevent the unlawful act. I therefore requested the Attorney-General to give by telegraph such orders as might be necessary for the guidance of his officers in the case, and suggested to the Secretary of the Treasury that, as the Treasury officials at Key West had been indicated as sympathizing with Aguero, it might be necessary to conduct the investigation through other agents.

Both the Secretary of the Treasury and the Attorney-General imme-

diately sent telegraphic instructions to the officers at Key West to prevent the departure of the expedition; revenue cutters were dispatched there, and orders given by the Secretary of the Navy to the officers of the United States steamship Vandalia, then in that port, to aid in the protection of the neutrality of the United States.

Notwithstanding these exertions, Aguero escaped in the night of the 1st ultimo in a small schooner with some adherents. There is, however, no confirmation of the report that they were armed with bombs or had with them means of offensive warfare other than their personal equipment.

The United States steamship Swatara having arrived at Key West, orders were immediately sent that the Swatara and the Vandalia should proceed toward Cuban waters in order to intercept the expedition, if possible, and they were aided in the neighborhood of our coast by revenue cutters. The expedition, however, succeeded, I am informed, in effecting a landing upon the coast of the island. The schooner which conveyed them returned to Key West, and judicial proceedings were immediately commenced against it and the crew.

Upon the 5th instant, the Attorney-General ordered one of the most active and efficient assistant attorneys in his Department to go at once to Key West, giving him full authority in writing to do all that could be done to enforce the neutrality laws, to prevent any violation of them, and to arrest and break up any such combinations as are supposed to exist for the purpose of invading the island of Cuba in vessels armed and equipped in Florida.

Mr. Blair, the assistant attorney, immediately started for Key West, and has been energetically engaged in the duty assigned him. Besides his authority from the Department of Justice, he took a letter from the Secretary of the Treasury giving him authority in connection with the customs authorities and the revenue cutters.

On account of the distrust in the collector of customs, a special agent of the Treasury Department was also sent to Key West, and is now there, and the President has removed the collector of customs at that point.

In a note to the Department of the 10th instant, Señor Valera represented that he had received trustworthy information that the excitement at Key West against the Spanish consul was such that his life was in danger, and the minister requested that all available means might be employed to insure the personal safety of that officer.

This information was immediately conveyed to the Attorney-General, with the suggestion that instructions be telegraphed to the agent of the Department of Justice at Key West to at once adopt, after consultation with the other Federal authorities, whatever measures might seem expedient for the personal safety of the Spanish consul and the protection of the consulate from violence, informing him also that Mr. Valera's statement had been communicated to the Secretary of War and the Secretary of the Navy, so that the aid of forces in barracks at Key West, or on board of any naval vessel there, might be availed of should such an extreme step seem to be necessary.

To the Secretary of the Navy I suggested that the commanding officer of any vessel visiting Key West should be properly instructed, so that if mob violence be apprehended the Spanish consul might be protected or afforded a secure resting place on board, and a letter upon the same subject was addressed to the Secretary of War.

Upon April 10, the date of Mr. Valera's note, the United States district attorney in Key West telegraphed to the Attorney-General that the Spanish consul had received on the night of the 9th, from the Cap-

tain-General of Cuba, a dispatch stating that one Aurelio Mayol had left Havana on the steamer Hutchinson, alleging that "he goes to kill the Spanish consul." The district attorney added that he had procured warrants for the arrest of Mayol, and the sheriff, with the assistance of the revenue cutter, had arrested him on the arrival of the steamer; that the district attorney had appeared for the consul before the justice of the peace, and Mayol had been bound over to keep the peace for one month to await further evidence. As the United States vessel Tennessee, flag-ship of the North Atlantic squadron, was then present at Key West, it was deemed unnecessary to invoke military aid, especially as the military barracks there are not now occupied, and it would have been necessary to send troops from another post. The Secretary of War was so informed.

Under date of the 12th instant, the Attorney-General transmitted to me a copy of a telegram from Mr. Blair, the assistant attorney deputed to aid in enforcing the neutrality laws, reporting his arrival at Key West, and the Attorney-General added that he would immediately telegraph him to see to the protection of the Spanish consular representative, and that Mr. Blair had instructions of the most peremptory character to do all in his power to maintain the neutrality of this country and to repress any attempt to violate the law by persons who project or contemplate armed expeditions against the island of Cuba.

Under the same date he communicated another telegram from Mr. Blair, stating that Mayol had been arrested on arrival, was under bonds to keep the peace, was carefully watched, and that Admiral Cooper, in command of the North Atlantic fleet, had taken every precaution to protect the Spanish consul.

In the mean time the Department, on the 11th instant, had informed Mr. Valera that an arrangement had been made by which the special agent of the Department of Justice at Key West might, in case of need, command the aid of any Federal force which might be at that place both in enforcing the laws and in protecting the Spanish consulate. For this action Mr. Valera returned his thanks in a note of the 14th April.

Upon the 15th instant I informed Mr. Valera, referring to his note of the 10th, of the action in the matter of Mayol.

Under date of the 14th instant Mr. Valera represented that he had information that a hostile armament against Cuba was preparing at New Orleans. * * *

The action heretofore set forth of this Government, in sending a special agent of the Department of Justice and one from the Treasury Department to Key West, the active movements of the national vessels, and the course of the President in removing the present collector of customs at that port, sufficiently show that this Government effectively carries out its desire to protect its shores from violation of international obligations and neutrality laws, and to prevent its territory from being made the base of hostilities against a friendly government.

Upon the receipt of Mr. Valera's note in relation to the rumored contemplated expedition from New Orleans I immediately communicated with my colleagues, who have taken appropriate steps similar to those taken at Key West, but I am informed by the Attorney-General that no one in New Orleans knows of any expedition. The officers of the Government, however, are upon the watch, and will use every exertion to prevent any expedition leaving our shores, should one be contemplated.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 360.

Mr. Foster to Mr. Frelinghuysen.

No. 233.] LEGATION OF THE UNITED STATES,
Madrid, July 28, 1884. (Received August 11.)

SIR: I herewith inclose a copy and translation of the law just passed by the Cortes conferring upon the Executive the power to adopt certain dispositions of an economical and mercantile character affecting the islands of Cuba and Porto Rico. It is what is known as the "authorizations," which the ministry asked of the Cortes to remedy the embarrassed condition of the West Indian provinces, and which were under discussion for two weeks, and after an animated debate were finally passed almost without opposition.

It was conceded on all sides that the situation, especially of Cuba, was critical; that relief in some shape was necessary with as little delay as possible; and the ministry contended that as the Cortes were not willing to remain in session during the heated term sufficiently long to consider and adopt the requisite measures of relief, it would be better to confer upon the Executive full power to concert and carry out these measures during the legislative recess.

The first of the "authorizations" is to make all possible reductions in expenses of the public service. Already the ministry have reduced the budget of expenses $2,000,000 over last year, leaving the total expenses of Cuba $32,000,000. It is contended by many of the senators and deputies from that island that this amount ought to be reduced to $24,000,000 or $26,000,000, but the ministry declare this to be impossible.

The second measure of relief authorized is the transfer to the budget of the Peninsula of the expense of the diplomatic service in America and of the island of Fernando Po, two items heretofore charged to the Cuban treasury, and which have been the occasion of long-continued complaint. It is also contemplated to relieve the West Indian provinces of a considerable part of the mail service now charged to them.

The third authorization is understood to confer upon the ministry the power to make any reductions it may think proper in the tariff of imports and exports or in the other branches of taxation, only being limited to maintaining the obligations of the budget. Sugar is especially mentioned, because it is one of the burdens most complained of; and it is anticipated that the reduction in the import duties would be brought about by means of the commercial treaties contemplated in the seventh authorization. The slight reduction made in the export duty on sugar by the decree of June 5, sent in my No. 232 of the 26th instant, does not satisfy the planters, and an effort will be made to obtain still further reductions.

The fourth authorization is for the purpose of coming to some arrangement with the holders of the Cuban bonds, and other creditors, whereby the debt may be funded at a lower rate of interest. The interest and other annual charges on the Cuban debt were during the last fiscal year $10,186,028, or nearly one-third of the entire budget, and a large part of the debt is yet unfunded and no interest is paid thereon.

The fifth relates to the conversion or withdrawal of the paper currency of the Spanish Bank of Havana, which was issued to meet the expenses of the civil war in Cuba, and which was in the nature of a forced loan. It is estimated that there still remains in circulation $41,000,000 of this paper. It bears a heavy discount under gold, and has

exerted a most embarrassing influence on all commercial transactions. Coupled with this is the sixth paragraph of the law which authorizes the remission of a portion of indebtedness of tax delinquents and the acceptance of this currency in whole or in part for the remission.

The seventh section of the law authorizes an increase in the Peninsula tariff duties on foreign sugars in the interest of Antillean importation, and to celebrate commercial treaties with other Governments in respect to the trade of Cuba and Porto Rico. The law as originally introduced was unlimited in its application, but an amendment adopted by the Cortes confined the complete authorization as to treaties to the West Indian provinces, but permits the ministry to negotiate treaties affecting the Peninsula on condition that they are subject to the ratification of the Cortes. It is understood that this law confers upon the Executive full power to ratify and put the commercial treaties in operation without further legislative action. In the discussion in the Cortes the relations of the Antilles with the United States were frequently referred to, and this section was framed mainly with a view to the execution of a treaty with our Government, although a slight reference was made by the Minister of Ultramar to a possible treaty with Great Britain. It is not believed, however, that it is seriously contemplated to secure a commercial arrangement with any country other than the United States, by which the export trade of Cuba can be improved.

The eighth section relates to the trade between the Peninsula and the Antilles, by which it is contemplated to reduce the tariff on specified articles and to hasten the establishment of coastwise or free trade between the mother country and these provinces; and the ninth has reference to the consumption tax on liquors in Cuba.

Up to this point, the law, as passed, is a substantial adoption of the project submitted to the Cortes by the ministry, but the following sections were added in the Cortes.

The first addition, or tenth section, confers authority to promote the free immigration of laborers to the Antilles. The disorganized condition of labor, especially in Cuba, growing out of the emancipation of the slaves, it is alleged, is one of the chief causes of the present depression of the industries of the island, and it was urged in the Cortes that the best method of remedying this matter was the introduction of free laborers by immigration.

By virtue of the eleventh section, it is contemplated to substitute the tobacco of Cuba for that part which the Government has heretofore obtained from foreign countries for the national monopolies, and by other means to encourage the production and sale of this important article of Cuban growth.

The twelfth section confers upon the ministry full power to reorganize the *personnel* of the administration of the colonies, establishing a civil service therefor, and making other changes to secure its greater efficiency. Two causes of complaint on this subject have been given great prominence, one being that the service in the Antilles has been reserved exclusively for families of the home Government, and the natives or residents of the islands almost entirely excluded; and the second, that bad administration and corruption are rather the rule than the exception.

Another great need of the islands is said to be better means of internal communication. To improve this state of things in Cuba, the Minister of Ultramar is authorized to modify the existing conditions for the construction of the Central Railroad.

The last section gives the Executive power to so amend the mortgage law of Cuba as to give greater protection to loans upon estates, and to assimilate that law to the existing legislation of Spain.

The foregoing review will show that almost unlimited power is conferred upon the Executive, and the passage of the law is a striking proof both of the confidence which the Cortes repose in the present ministry and of the conviction that the condition of the Antilles demands important reforms.

I am, &c.,

JOHN W. FOSTER.

No. 361.

Mr. Foster to Mr. Frelinghuysen.

No. 251.] LEGATION OF THE UNITED STATES,
Madrid, August 23, 1884. (Received September 6.)

SIR: In my No. 249 of this date, I reported one of the measures adopted to relieve the depressed condition of Cuba in the remission of 50 per cent. of delinquent taxes estimated to exceed $5,000,000, and the acceptance in payment of the balance in the depreciated war currency. The criticisms of the Madrid press on that measure have been followed by an exposition of the methods observed by the Spanish Bank of Havana in the management of this issue of war currency, of which I inclose a copy and translation, from the Imparcial of the 21st instant.

From this it appears that owing, to the good credit sustained by the Spanish Bank of Havana, it was intrusted by the Government with the emission and redemption of the large issue of paper currency which it became necessary to make to aid in meeting the expenses of the civil war. But the bank also made use of the authority it possessed by its charter and increased the issue of its own bills to the extreme limit of its legal circulation, exceeding $20,000,000. At first both issues were maintained at par with gold, but the natural result of excessive issue followed. The bank was authorized to suspend redemption, and both the Government and bank paper, which were in the same form and confounded by the public, the one with the other, shared the same fate and depreciated to one-third their face value in gold. The bank, taking advantage of the heavy discount, bought in its own paper, so that in 1881 its circulation had been reduced from $20,198,060 to $4,043,280, realizing, as is alleged, a profit thereby of about $10,000,000, and by the official statement published on the 17th instant the only paper currency now out is that of the national treasury, which amounts to $41,427,474.75.

It is further alleged that the bank has during this period from time to time taken advantage of the fluctuations of the market to make new issues of its own paper in favorable seasons, and to withdraw the same when the depreciation was the greatest, thus making a considerable profit out of the transactions.

The inference of the newspaper is that it is not surprising that "reforms are found necessary to raise the island of Cuba from its prostration."

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 251.—Translation.]

[El Imparcial, 21st August, 1884.]

THE COLONIAL REFORMS.

The reforms established up to the present time in compliance with the authorizations disclose a tendency worthy of applause—that of availing of every possible means of taking up the notes which the Spanish Bank of Havana omitted on account of the Cuban treasury.

That emission, designed to meet the war expenses with the commendable purpose that it should be carried out under the protection of the respectable credit engaged by the Spanish Bank, had such good results at first that the notes circulated without uneasiness, thanks to the facility of their exchange at the counter of the bank; but afterwards, this becoming difficult, disasters arose from which the Antillian treasury has not yet been able to free itself.

As an evil which now has no other remedy than that of diminishing as much as possible the circulation, we ought not, as it would seem, to give our attention to an examination of the past, but lend support to every effort tending to the extinction of the debt which weighs upon the island of Cuba.

But as the Government, in the preamble of the decree on the condonation of debits, has revealed to the country the errors of the ultramar administration, we have to add to the abuses pointed out by the ministry of ultramar certain acts which, without precisely constituting an abuse, have contributed to complicate the economical situation of the Great Antilla, showing that they have not only engendered difficulties by the irregularity of administrative proceedings, but also by the toleration which has been extended to extensive stock-jobbing, growing out of the nature of the operation.

We hope that what we have to say about this mass of bank notes, which, after having so greatly disturbed all transactions, must now be taken up by measures which diminish the receipts of the Cuban budget, will serve as a lesson in the future.

When there was necessity to raise means to meet the war expenses, the Spanish Bank of Havana was authorized to increase the emission of notes on account of the Cuban treasury, and those notes were issued in the same manner as those of the bank, hence one was confounded with the other in circulation, both participating in the same vicissitudes.

The natural consequences of a superabundant circulation of paper, payable on presentation, soon arose. The moment arrived in which the vaults of the bank could not meet the demands, and it was relieved from the obligation of paying the notes which were presented for redemption.

There at once came a gradual depreciation, which at last represented a loss of two-thirds of the value of the notes. These reached a discount at the rate of $296 in paper for $100 in gold.

Did the Spanish Bank of Havana, which had, according to its own legally authorized emission, nearly attained the entire amount of its circulation, amounting in 1873 to $20,198,060, avail itself of the gradual depreciation of the notes to withdraw from circulation those emitted on account of the Cuban treasury? Certainly not, but its own; hence in March, 1881, it only had of its own emission $4,043,280 in circulation, having realized a profit of $9,755,605 in gold, as is shown from day to day since 1868 in a work published in 1881.

Since then the bank has completed its work in such a way that, according to the last balances published in the *Gaceta de Madrid* of the 17th instant, there were no other notes in circulation than those for which the Cuban treasury was reponsible.

That circulation amounts at present to the sum of $41,427,474.75, and some years must yet pass before it is canceled, while the bank has been able to take up its own authorized circulation without other difficulties than that of making new emissions of its notes at times of an improved rate of exchange, in order to take up a larger sum during the periods of depreciation.

The profit obtained by this operation has been at the expense of public prosperity, because the notes of the bank emission being taken as cash the public has lost the whole amount of the discount when the bank withdrew them.

And this has been going on during several years, without the Government fixing its attention upon it, which demonstrates that there is much carelessness in Spanish administration.

We do not censure the bank, other than that having constituted itself the guardian of the war emission it did not endeavor to save more than its own. Like good merchants, the administrators of the bank utilized the circumstances to do business and to secure profits to its shareholders.

What we do condemn is that Governmental apathy which allowed the events to run without even comprehending what was occurring, resulting in the end in an insupportable charge upon the Cuban treasury and a considerable relief for the bank.

It is not strange therefore that reforms have become necessary to raise the Island of Cuba from its prostration.

No. 362.

Mr. Foster to Mr. Frelinghuysen.

No. 264.] LEGATION OF THE UNITED STATES,
Madrid, September 16, 1884. (Received September 29.)

SIR: Referring to your instructions Nos. 184 and 220, I have now to inclose herewith, for your information, a copy of my note of the 11th instant to the minister of state, renewing the request for the return of the so called cattle tax collected by the Spanish consul at Key West.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 264.]

Mr. Foster to Mr. Elduayen.

LEGATION OF THE UNITED STATES,
Madrid, September 11, 1884.

EXCELLENCY: By reference to the files of the ministry of state your excellency will note that for several years past the Government of the United States has been earnestly remonstrating against the system of the Spanish Government of levying and collecting in the ports of the United States an export tax or duty, styled consular tonnage dues, and which has been the source of much complaint on the part of American shippers. One form of that tax was the collection of 40 cents per head upon cattle shipped to Cuba, and as this had come to be a considerable export trade from the States in the Gulf of Mexico the tax proved onerous and led to vigorous protests. About two years ago these protests were formulated in a note of this legation, dated September 26, 1882, in which the claim of Mr. D. James McKay was presented to His Catholic Majesty's Government for the return of several thousand dollars of these unwarranted taxes. The reply of your excellency's Government was that no law or regulation had existed since 1876 which authorized Spanish consuls to collect the particular tax complained of, and that instructions would be sent to those officials to desist from its collection in future; but no answer was made to the demand for the return of the taxes acknowledged to have been illegally exacted.

It therefore became my duty on the 16th of July, 1883, under specific instructions of my Government, to direct the attention of the then minister of state to this omission, and to repeat the request for the return of the confessedly illegal taxes exacted by the Spanish consuls. As three months passed by without any reference to my note, I was instructed to again repeat the demand for payment, and to urge a prompt return of the money. This last note was followed up by personal reference to the subject on my part to your excellency's predecessor, and finally, under date of January 12 last, a note was received from him, in which I was informed that instructions would be sent to the consul at Key West (where the greater amount of the taxes had been collected) to make a liquidation of the sums which had been wrongfully received in order to return the same to the interested parties.

This tardy but gratifying resolution was communicated, through the Department of State at, Washington to the claimants, who sought for the repayment of their money from the Spanish consul at Key West; but that official persists in disobeying the orders of the Government at Madrid, if they have been sent to him, as he neglects to make the promised repayment. Despairing of a settlement through the consulate where the wrongful and illegal taxes were exacted, the claimants have presented their itemized accounts in due form to the Department of State at Washington, and these have been forwarded to me by my Government. And, in obedience to its instructions, I have to again present a demand for the return of the taxes which the Spanish Government has acknowledged to have been collected without warrant of law or regulation, to ask that the payment be made to this legation, and to express the hope cherished by my Government that no further delay will occur in repairing the wrong inflicted on American shippers. Your excellency will, I am sure, recognize that my Government has just cause of complaint at the past delays, when you remember how vigorously it has resisted the pretensions of the Spanish Government to collect an export duty in American ports, and when this portion of the duty at least has been

acknowledged by the latter to be unwarranted and illegal, and I am convinced that you will allow no further impediments to be interposed to its prompt return.

I beg to add that I will cheerfully hold myself ready to meet any official your excellency may see proper to designate to adjust the accounts of the several claimants; or, should it be preferred to send me a copy of any liquidation made by the consul at Key West, I will promptly compare it with the accounts on file in the legation, and advise your excellency of the result without delay.

I am, &c.,

JOHN W. FOSTER.

No. 363.

Mr. Foster to Mr. Frelinghuysen.

No. 273.] LEGATION OF THE UNITED STATES,
Madrid, October 8, 1884. (Received October 23.)

SIR: Referring to my dispatch No. 264, of the 16th ultimo, I have now to inclose herewith, for your further information, a copy and translation of a note from the minister of state, dated the 2d instant, in reply to mine of the 11th ultimo renewing the request for the return of the so-called cattle tax collected by the Spanish consul at Key West.

As will be perceived, the minister states that new and urgent instructions will be sent to the consul to remit without delay the necessary information heretofore asked of him upon the subject with a view to returning the tax in question to the interested parties.

I shall continue to give the subject my attention.

I am, &c.,

JOHN W. FOSTER.

[Inclosure in No. 273. Translation.]

Mr. Elduayen to Mr. Foster.

MINISTRY OF STATE,
Madrid, October 2, 1884.

MY DEAR SIR: I have received the note which your excellency was pleased to address to me on the 11th ultimo relative to the representations made by the Government of the United States against the system of the Spanish Government of exacting and collecting in the ports of that country an export tax, or duty, called consular tonnage fees. I had the honor to inform your excellency in regard to this matter on the 12th January last that instructions had been sent to the Spanish consul at Key West, at which port the greater part of the said tax had been collected, to make a liquidation of the sums which might result as having been unjustly received in order to return the same to the interested parties. As up to date the reply of the said consul has not been received in this ministry, and without the data which the same will supply it is not possible to adopt any resolution. Urgent new orders will be communicated to said agent to remit without delay the necessary information to the effect indicated, and so soon as it is received I will make known to your excellency the result of the same and the corresponding disposition.

I am, &c.,

J. ELDUAYEN.

CORRESPONDENCE WITH THE LEGATION OF SPAIN AT WASHINGTON.

No. 364.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, March 17, 1884. (Received March 17.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to address the honorable Secretary of State of the United States for the purpose of bringing some matters to his notice for which this Government is doubtless not responsible, and which it is, perhaps, disposed to prevent, as far as possible, in order to show that it fully reciprocates the sincere friendship which is entertained for it by both my Government and my nation.

Owing to the noble hospitality which is offered to all men by this great Republic, and to the great degree of freedom that is here enjoyed, a certain turbulent minority of Spaniards, born in Cuba, take refuge in this country for the purpose of conspiring, without molestation; they insult their mother country and its most venerable institutions, and they proclaim war to the knife against Spain in public meetings and printed papers of all kinds.

They now call the war which they propose to wage a scientific war, that is, a war in which dynamite is to be used, together with other inventions for blowing up barracks, destroying vessels, and demolishing whole cities with their inhabitants. Any one taking a charitable view of these projects would be inclined to regard such talk and such threats as ridiculous bluster; yet the encomiums passed on wholesale murder, accomplished through treachery, and the open incitements thereto which are uttered so freely, are repugnant to the moral sense of all right-minded persons.

The Cuban revolutionists assert, in their newspapers, that they already have in their possession all the means that they require for the prosecution of this scientific war, and that they are preparing to use them; they have a Russian professor of that science, who is known as Dr. ——, and who, it appears, gives them public instructions; they, in their turn, feeling grateful for his services, regard him as a public benefactor, and place him in the same category with Gutenberg and Washington.

They say that a single Cuban revolutionist, having been properly instructed by the learned Russian, can blow up one or two thousand Spanish soldiers quite conveniently and cheaply, and almost without danger.

The undersigned takes the liberty to send the honorable Secretary of State two newspapers, published at Key West, in which he will find stated at length what is here summarized.

This conduct of the Cuban refugees would be the more odious (if it were not so grotesque) inasmuch as recently, on the occasion of Agüero's discharge from custody, the mayor, the lieutenant-governor of the state, and the collector of customs took part in the triumph, during which the grossest insults and the most savage threats were uttered, both in speeches and in yells, against my country and my Government.

The undersigned, who has come to this glorious and flourishing confederation full of sympathy with the well-concerted organism that constitutes its greatness, and of admiration for its growing and extraordinary prosperity, is ashamed of his degenerate countrymen who find refuge here, perhaps doing us some material injury, but abusing the freedom which they meet with among a noble people, and showing themselves to be unworthy of that freedom upon which they are trying to cast a dark blot; to which condition of things it is to be hoped that the honorable Secretary of State, with the means which are at the disposal of the Attorney-General, will apply a remedy.

The undersigned avails, &c.,

JUAN VALERA.

No. 365.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, March 21, 1884.

SIR: I have the honor to communicate to you, for your information, copies of a letter* addressed to me by the Secretary of the Treasury and my reply* thereto, touching a request made by the Spanish consul at Baltimore to be furnished by the collector of customs at that port with periodical certificates of the cargoes of sugar, molasses, and tobacco imported from Cuba and Porto Rico, giving the name and flag of the vessel, date of entry, port of clearance, number and description of packages, and weight in American pounds, &c. This request of Mr. Navarro, the consul, would appear to have been made under a misapprehension of the purport and scope of the third article of the agreement signed at Madrid, February 13, 1884. Such a request has not been made, so far as known, by any other consular officer of Spain in the United States.

From the reply made to Mr. Folger's inquiry it will be seen that this Government construes the engagement in accordance with its evident intent, and will require its customs officers to give to any Spanish consul, whenever he may request it, a certificate in respect to the cargo of sugar or tobacco brought by any designated vessel to our ports. Although molasses is not mentioned in the agreement, it may be deemed comprised under the general phrase "sugar."

It is, of course, evident that the agreement could not have contemplated requiring our customs administration to prepare, for the information of the Spanish consuls detailed periodical statements of every package of the articles in question brought to the United States from the Antilles. Besides entailing an amount of labor not necessary to compliance with the agreement and which this Government, even in the interest of its own revenues, could not well ask of any foreign Government under like circumstances, there is involved a question of responsibility which appears to be decisive. There is the distinction between courteously furnishing specific information where it may be needed and requested and an obligation to make a comprehensive and exact return, omitting not even isolated packages found in a general cargo, or entered by passengers as personal effects.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

---

*For inclosures see inclosures to document numbered 351, page 485.

No. 366.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, March 25, 1884. (Received March 26.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to inform the honorable Secretary of State of the United States that he has received his note of the 21st instant, relative to the interpretation by the consul of Spain at Baltimore, of Article III of the convention signed at Madrid on the 13th of February last, and that he has transmitted said note to the minister of state of the King, his august sovereign, who will undoubtedly furnish such explanations as will obviate in future any difficulties that might otherwise arise from excessive zeal on the part of consuls of Spain in the performance of their duty.

The undersigned avails himself of this occasion to thank the Hon. Frederick T. Frelinghuysen for having instructed collectors of customs to execute the provisions of the aforesaid Article III, and to reiterate, &c.

JUAN VALERA.

No. 367.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, March 26, 1884.

SIR: I have the honor to acknowledge the receipt of your note of the 17th instant, with reference to the designs of persons resident in the United States at the present time, against the Government of Spain, and alluding to the collector of customs at Key West, as joining in a demonstration reflecting on your Government, on the occasion of Agüero's discharge. Observing that I have communicated with the proper departments on the subjects of your note, I improve the occasion, &c.

FRED'K T. FRELINGHUYSEN.

No. 368.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, March 27, 1884. (Received March 28.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, would not again trouble the honorable Secretary of State about the threats of sending armed expeditions to Cuba, which are constantly made by Spanish newspapers published in this Republic, especially in New York and Key West, if these threats

were not made simultaneously with advices received by him to the effect that Carlos Agüero is organizing an expedition at Key West; he has a force of one hundred armed men, together with bomb-shells and other destructive materials, which are to be used against us.

Although public feeling in the island of Cuba is not now favorable to another civil war, yet, if Aguero were to land in Cuba, he might plunder and rob as he has done before; and, if he should sail from a port of this country, and be captured before he effected a landing, the Cuban authorities would be obliged to inflict a very severe punishment upon him and his companions.

At all events, Agüero's expedition, just like any other organized by Cuban refugees, might, if it should sail from an American port, give rise to much unpleasantness. The undersigned therefore thinks that he is performing an imperative duty in advising Mr. Frelinghuysen of the design which it is apparently sought to accomplish, in order that, so far as this may be allowed by the means at the disposal of this Government, the evil may be prevented, and that no conspiracy and the accomplishment of no plan may be permitted in this country for the disturbance of the public peace within the territory of a friendly nation.

The undersigned avails, &c.,

JUAN VALERA.

No. 369.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, March 29, 1884.

SIR: In response to your note of the 27th instant, which I had the honor to receive yesterday, I hasten to inform you that I have requested the Secretary of the Treasury and the Attorney-General to cause investigation to be made as to the alleged hostile expedition against Cuba, said to be fitting out at Key West under the leadership of Carlos Agüero; and, if the rumor should be verified, to take such steps as may suffice to enforce the laws of the United States applicable to the case, and secure the punishment of those who may be found to have violated those laws.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 370.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, April 10, 1884. (Received April 11.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to inform the honorable Secretary of State of the United States that, according to telegraphic dispatches which he has just received from the Spanish consul at Key West, the irritation and excitement at present existing there

among the Cuban refugees and their sympathizers is so great that it appears that an attempt against the life of that consular representative is imminent.

The honorable Secretary of State will not fail to perceive the grave situation in which such an occurrence would place the United States, and in the name of international law, and of the good friendship which exists between the Government of the Union and that of His Majesty the King, he begs that he will be pleased to cause such measures as may be within reach to be immediately taken to insure the personal safety of the Spanish agent at Key West, and to ward off any criminal attempt directed against that officer.

The undersigned trusts to the efficacious and energetic attitude which the United States will doubtless adopt in the present circumstances, and improves the opportunity, &c.

JUAN VALERA.

No. 371.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, April 11, 1884.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, wherein you inform me of the telegraphic advices you receive from the consul of Spain at Key West, to the effect that great irritation and excitement exist there among the Cuban refugees and sympathizers, and that rumors are abroad of intended violence to the consul. In view of this, you ask that measures be forthwith taken, if possible, for the protection of that officer.

In reply I have the pleasure to inform you that I have lost no time in arranging so that the special agent of the Department of Justice, who has just been sent to Key West to investigate the condition of affairs there, may, in case of need, command the aid of any Federal force which may be at that place, both in enforcement of the laws and in protecting the Spanish consulate.

I trust, however, that the alarming reports which have reached you will prove groundless.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 372.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, April 12, 1884.

HIGHLY ESTEEMED SIR AND DEAR FRIEND: I tender to you my sincerest thanks for the prompt and effective orders you gave for the protection of the Spanish consul at Key West, and also for the reassuring news you sent me in your letter of yesterday.

Believe me, &c.,

JUAN VALERA.

No. 373.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, April 14, 1884. (Received April 14.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has received the note of the honorable Secretary of State of the United States of the 11th instant, and takes pleasure in thanking him for the steps which have been taken by the Government of the United States to prevent any attempt against the consul of Spain at Key West.

Improving, &c.,

JUAN VALERA.

No. 374.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, April 14, 1884. (Received April 15.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to inform the honorable Secretary of State of the United States that, according to a communication which he has just received from the Spanish consul at New Orleans, a new expedition is being prepared there which will set out from the Gulf in the course of a week, or sooner, with the purpose of effecting a landing in Cuba.

The undersigned begs the honorable Secretary of State, Mr. Frelinghuysen, to be pleased to cause the proper steps to be taken to prevent such an expedition from being effected, and improves, &c.

JUAN VALERA.

No. 375.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, April 15, 1884.

SIR: Referring to your note of the 10th instant, I have the honor to say that according to a telegram of the same date, from G. B. Patterson, United States attorney at Key West, to the Attorney-General, the Spanish consul received, on the 9th instant, the following telegram from the captain-general of Cuba: "Left to-night on steamer Hutchinson, Aurelio Mayol, who said he goes to kill the Spanish consul." The dispatch of Mr. Patterson also states that he procured a warrant for the arrest of Mayol, and that the arrest was effected on the arrival of the steamer. The United States attorney appeared before the justice for the consul, and Mayol was bound over to keep the peace for one month to await further evidence.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 376.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, April 16, 1884.

SIR: I have the honor to acknowledge the receipt of your note of the 14th instant, relative to a projected expedition against the Island of Cuba said to be fitting out at New Orleans. Your note was not delivered at this Department until half past 3 o'clock yesterday afternoon. I have hastened to communicate its contents to the Secretary of the Treasury and the Attorney-General, to the end that all measures within reach of their respective Departments may be promptly taken to investigate the truth of the report which reaches you, and, if it should be verified, to prevent the expedition.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 377.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, April 18, 1884. (Received April 18.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to inform the honorable Secretary of State of the United States that he learns from dispatches which he has received from the consuls of his nation at New Orleans and Mobile that the steamer Crawford has been sold to a merchant of the latter city for the sum of $2,750, and that the said steamer is, to all appearances, intended to convey another expedition to the island of Cuba.

This steamer will not be delivered without the authorization of the Government at Washington, and the undersigned hastens to write to the honorable Secretary of State to the end that his Government may refuse to grant such authorization unless a satisfactory guarantee is previously furnished that the vessel in question shall not be used for carrying filibusters and outlaws from these coasts to make war upon a friendly nation.

The undersigned has also been informed by the consular officers of Spain that arms are being sold, and that shells and other explosive materials are being manufactured at New York, Key West, and other places in order that they may be used for fresh expeditions against Cuba. He thinks it proper to communicate this information to the honorable Secretary of State, and he hopes that the shipment of these articles, which are contraband of war, to the dominions of Spain, will be prevented by all the means at the disposal of this Government, and that those who are guilty of thus violating the laws of this country will be punished as they deserve.

The undersigned avails, &c.,

JUAN VALERA.

No. 378.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, April 18, 1884.

SIR: Referring to the note you were pleased to address on the 17th ultimo, in relation to the alleged designs of persons in the United States against life and property in the island of Cuba, and to my acknowledgment thereof, under date of the 26th ultimo, I have now the honor to inform you of the purport of the reply I have received from the Attorney-General, to whom your note was referred for the expression of his views.

Mr. Brewster adverts to your remark that "it is to be hoped that the honorable Secretary of State, with the means which are at the disposal of the Attorney-General, will apply a remedy"; and observes that he does not see what remedy the statutes of this country afford for checking violations of the neutrality laws of the character alluded to in your note, beyond those to which the Department of Justice had already called the attention of the officers of that Department, in the general circular of March 12 ultimo. Inasmuch as that notice regarding the shipment of dangerous explosives is not confined to any one particular nation, or to any one particular foreign port, and is wholly general in its character, it is thought that any specific acts of an overt nature, of which the Spanish Government could have just cause to complain, may, in virtue of that circular, be brought within the cognizance of the officers of the Department of Justice.

I have the honor to inclose a copy of Attorney-General Brewster's circular for your information.

Permit me to add that I shall much regret if our existing laws are found not to furnish the adequate means of preventing evil-disposed persons from committing, within our territory, acts repugnant to the sense of right and justice of the people of the United States, who have on no occasion omitted to testify their abhorrence of such criminal designs.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

DEPARTMENT OF JUSTICE,
Washington, March 12, 1884.

To the District Attorneys and Marshals of the United States:

By direction of the President I have to inform you it is reported that certain persons are aiding in the prosecution of heinous crimes by shipping to foreign ports explosives dangerous in the highest degree to life and property. No proof has been adduced that this rumor is founded upon fact, and the President cannot believe its truth. The honor of this nation, however, requires that it should not be open to the imputation, unfounded though it be, of the slightest appearance of tolerating such crimes, whether to be committed against our people or those of other countries.

Your attention is therefore called to sections 5353, 5354, 5355, 4278, and 4279 of the Revised Statutes of the United States, which regulate the shipment of explosives, and the punishment of those who infringe their provisions, and you are instructed to be diligent in your efforts to prevent the offenses described, and to detect and prosecute those who have committed them or who may commit them.

Very respectfully,

BENJAMIN HARRIS BREWSTER,
Attorney-General.

No. 379.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, April 19, 1884.

SIR: Acknowledging the receipt of your note of the 18th instant, touching the presumed purchase of a vessel called the Crawford, for use against the peace of Spain, and also with relation to the shipment of explosives to Cuba, I have the honor to say that I have addressed the Secretary of the Treasury and the Attorney-General in the premises.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 380.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, April 22, 1884.

SIR: Referring to your note of the 18th instant, I have the honor to say that the Attorney-General has sent me a copy of a letter of the 21st instant from Mr. Root, United States attorney, intimating, in view of your above communication, that very probably you were in possession of some specific information as to the place where and the persons by whom such manufacture of explosives as your note contemplates is conducted. The attorney observes that when he receives any such information he shall employ all means in his control to prevent or suppress it. Doubting not that any information in this direction which may reach you will be communicated to me for the end proposed,

I improve, &c.,

FRED'K T. FRELINGHUYSEN.

No. 381.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, April 24, 1884.

SIR: Referring to your recent note concerning the shipment of explosives for use in Cuba, &c., I have the honor to say that the Attorney General, on receipt of the information communicated in your note, at once telegraphed to the United States district attorneys at New York, Mobile, and Key West, to the United States marshal at New Orleans, and to Mr. Blair, the assistant attorney of his Department, now at Key West, instructing them to be vigilant, and to check any operations such as you called attention to.

As to the reported sale of the Crawford, it seems by a letter of the 22d instant from the Treasury Department that the revenue steamer Crawford was recently offered at public sale at Mobile, but as the sum bid was regarded too low, and to avoid any possible question as to her intended use, the sale was set aside.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 382.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, April 30, 1884. (Received April 30.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to bring to the knowledge of the Secretary of State that the consuls of Spain at New Orleans, Savannah, and Baltimore report to him that the enemies of the public peace in Cuba are preparing, or give out that they are preparing, expeditions against that Spanish province.

The undersigned believes it his duty to communicate these reports to the honorable Secretary of State of the United States, in the confidence that he will cause the truth thereof to be investigated, and, whether warfare against a friendly nation be contemplated, or the purpose be to create alarm to the prejudice of the commerce of both countries, or to collect money from dupes, that the President of the United States will order the Federal authorities to exact from the insurgents the strictest compliance with the laws, thereby affording an additional proof of the good relations which happily join the United States and Spain.

The undersigned improves, &c.,

JUAN VALERA.

No. 383.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, April 30, 1884.

SIR: Acknowledging the receipt of your note of the 30th instant, in which you communicate reports of the Spanish consuls at Savannah, New Orleans, and Baltimore, with reference to alleged plots against the peace of Cuba, I have the honor to say that the contents thereof have been made known to the Secretary of the Treasury and the Attorney General.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 384.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, May 2, 1884.

SIR: Referring to former correspondence on the subject of reported plots in this country against the peace of Cuba, I have the honor to say that I have received a letter from the Attorney General of late date

which makes it apparent that his Department encounters peculiar difficulties in the investigations it is pursuing into the particulars of the enterprises which are alleged to be on foot harboring enmity to the peace of Cuba, from the circumstance that the statements of the Spanish consuls transmitted hither fail to specify any tangible facts. The consul at Key West, for example, furnishes our officers with the simple fact that Cubans had been seen hauling barrels and boxes eastward, but will not state confidentially "the house from which this hauling was observed, the road, nor distance from the wharf"; nor will he place his detectives in communication with those of the United States.

Regretting these embarrassments, I beg, &c.,

FRED'K T. FRELINGHUYSEN.

No. 385.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, May 2, 1884.

SIR: I have the honor to say that, as appears by letters from the Departments of Justice and the Treasury, the schooner Winfield, reported stolen, has been found adrift near Green Key. The vessel broke from her anchor and was blown to sea with no one on board.

The Secretary of the Treasury has apprised me that telegraphic instructions have been sent to the collectors of customs at New Orleans, Baltimore, and Savannah to prevent the threatened violation of the neutrality laws, of which you received information from Spanish consuls at those ports.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 386.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, May 10, 1884.

The Secretary of State presents his compliments to the minister of Spain, and communicates hereby the substance of a telegram received by the Secretary of the Treasury from Special Agent E. Hubbs, now in Florida, viz, to the effect that Castro left for a neighboring key on May 8, after sunset, with a few men in a small boat, and that he (the agent) had sent the Dix, by anticipation, at midday to intercept him and to watch suspected points, and that a naval detachment followed at 11 o'clock; also, that, according to the Spanish consul, who desired this information to be sent to His Majesty's legation here, still another expedition is nearly ready to start.

No. 387.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, May 16, 1884.

SIR: I have the honor to inform you that a telegram was this morning received by the Secretary of the Treasury from the special agent at Key West reporting that the Cubans at that place publicly threaten the Spanish consul with mob violence, and that the consul had accordingly been tendered protection in the custom house building, which he had declined.

In view of this information I hastened to cause orders to be sent by telegraph by the Departments of War and of the Navy to employ whatever means may be necessary for the protection of the consul.

It is trusted that the prompt adoption of preventive measures may avert the occurrence of any such attempt as appears to be apprehended.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 388.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, May 17, 1884.

SIR: Referring to my note to you of yesterday's date, concerning the reports of intended mob-violence against the Spanish consul at Key West on the part of Cubans resident there, I have now the honor to inform you that careful investigation by the naval and civil authorities there affords the gratifying assurance that the report is exaggerated. The rumor would appear to have originated in a threat, uttered in a grog-shop on Thursday night, to tar and feather the consul, but this idle and probably drunken menace appears to have passed without any result whatever.

Nevertheless, the commander of the Galena at Key West has renewed to the Spanish consul the offer made to him last week to place a guard of marines to guard the consulate, residence, and person of the consul. The consul, however, declines a guard, but expresses fear of assassination. Arrangements have been made by which he can summon assistance from the naval vessels by signal at any hour.

The most adequate precaution against the personal attempts which the consul would seem to apprehend appears to lie in the protective guard which he has declined. This Government cannot, of course, undertake to place a foreign officer under military surveillance of any kind without his consent or the consent of his Government, and I have accordingly the honor to request that you will advise me whether it is your wish that the consul should be personally guarded. If this be desired this Government will endeavor to do so.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 389.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, May 17, 1884.

SIR: I have the honor to acquaint you with a suggestion made to me by the Attorney General in view of the investigation now in progress at New York touching the alleged fabrication of dynamite there in aid of revolutionary enterprises directed against Cuba. The United States attorney at New York, Mr. Elihu Root, intimates that his investigation might be much facilitated were he authorized to communicate directly with the consul-general of Spain in that city, informing him of the nature of the instructions under which he is acting and receiving from the consul-general the specific information which the consul may possess or be able to obtain as to the alleged preparations.

I have requested Mr. Brewster to so instruct Mr. Root, and I have the honor to inform you of this action, to the end that you may, if necessary, authorize and direct the consul-general at New York to frankly communicate to the United States attorney whatever information he may possess tending to subserve the ends of justice in this matter.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 390.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, May 19, 1884. (Received May 20.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to state to the honorable Secretary of State of the United States that he has received his note of the 17th instant, informing him that the rumor which had been spread that a mob was about to arise and was on the point of committing violent acts against the consul of Spain at Key West, had been exaggerated.

The undersigned has received this information with satisfaction, and is thankful for the offer which, in the name of the Government of the United States, has been made to him by the Hon. Frederick T. Frelinghuysen, to protect the security of the consul with a military guard, but, it not being possible for him to know the situation in Key West, he cannot advise, as the Secretary of State asks him to do, whether the guard which the consul has declined should be set. That officer is the sole judge in the matter, and in the fulfillment of his duty he exposes himself to the risk of some evil-disposed persons taking his life, as has so often occurred in past times, without the dignity of Kings or of Presidents being sufficient to save them.

The undersigned knows very well that all the good will of the Gov-

ernment of the United States could not prevent such a thing from happening, but what he believes should be prevented, perhaps, is the occurrence of that which the laws of the United States do not tolerate, and which every cultured people seeks to prevent, however ample and universal may be the liberty which its citizens enjoy, and that is that daily and hourly in the street, in cafés and taverns, in newspapers and broadsides, a functionary of a friendly nation should be threatened, insulted, and disparaged, whether those who proffer such threats, insults, and outrages be drunken or not.

In Key West, as the undersigned opines, the object is now not to prevent but suppress and punish constant infractions of the laws, and he believes that if the zeal of the judicial officers of the United States, freshly invoked by the Federal Government, could succeed in imposing the punishment which is merited upon a few of the many criminals there sheltered, much would be accomplished towards calming the alarm which exists, and towards removing the opportunity for events which both Governments would regret.

The undersigned improves, &c.,

JUAN VALERA.

No. 391.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, June 2, 1884.

SIR: I have had the honor to receive your note of the 19th ultimo relative to present events at Key West, and in especial answer to my note to you of the 17th ultimo.

As your note leaves open the question whether the guard, with which this Government offered to protect the Spanish consul at Key West, and which that officer declined, should be placed for his protection, notwithstanding such declension, the suggested precaution will not be taken, but, as my note of the 17th informed you, the naval commander holds himself ready to respond, on signal, to any request which the consul may make for protection.

This, I believe, sufficiently defines whatever responsibilities the situation at Key West may imply with respect to the personal safety of the consul.

As to the other point in your note, let me say that when we are doing all we can to fulfill our obligation to Spain, you ask us to do that which the executive of no nation can do.

Threats of personal injury may, at times, take such direct form as to come within the cognizance of the courts, but action thereon is a judicial function, which may not be exercised by the executive.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 392.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, June 2, 1884. (Received June 3.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to bring to the knowledge of the honorable Secretary of State that in conformity with his promise, in the interview had with him on Saturday last, he has telegraphed to the Spanish consul at Key West enjoining upon him extreme prudence in order to avoid pretexts of conflict, and ordering him in case his life be threatened to put himself under the protection of the authorities of the United States by land or sea, even if there should be a Spanish man-of-war in the harbor, since the undersigned desires, and he believes that with this desire he interprets that of the Secretary of State, that the good harmony of the two Governments be clearly shown, and that even the most distant pretext be not given for saying that in a port of the United States the consul of a friendly nation has been protected by a foreign force.

The Spanish consul at Key West has answered the undersigned's telegram that he has not given and will not give any pretext for the disturbance of peace in that island, but that the Cubans there, dissatisfied by his extreme vigilance, are endeavoring at all hazards to procure his removal from his post, where he has lent signal service to the Government of the King of Spain.

The consul also states that some of the authorities of the State of Florida, being desirous of attracting the Cubans in order to gain their votes, are temporizing with those who by their insults and ridicule seek to make the consul's residence intolerable.

The undersigned, who has received so many proofs of the good wishes of the honorable Secretary of State, and who feels grateful for the repeated efforts of the Government of the United States to protect the security of the Spanish consul and to cause the neutrality laws to be obeyed, deems it his duty to bring the foregoing facts to Mr. Frelinghuysen's knowledge, to the end that by means of the agents which the Federal Government has in Florida he may endeavor to investigate the truth thereof, and be pleased in view thereof to give such orders as he may deem most proper for the protection of the Spanish consul and for the fulfillment of the laws.

The undersigned improves, &c.,

JUAN VALERA.

No. 393.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, June 14, 1884.

SIR: I have the honor to acknowledge the receipt of your note of the 2d instant relative to affairs at Key West in connection with the Spanish consulate there.

We appear to be in entire agreement in defining the consul's attitude and his resort in any emergency of personal danger.

This Government will spare no effort to act upon any other violation of the laws of the United States of which Spain may have cause to complain.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 394.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, July 12, 1884. (Received July 14.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to bring to the knowledge of the honorable F. T. Frelinghuysen, Secretary of State of the United States, that, under date of to-day, he has received a communication from the consul of Spain at Savannah, Ga., wherein he informs him that the Cuban filibusters have made various deposits of arms, munitions, and dynamite as well in the vicinity of New Orleans and at a point westward of Mobile, as in the keys of Florida in the neighborhood of Key West, and in Turk's Island, from which point they propose to remove those munitions of war to Cuba in small vessels, with the object of better frustrating the vigilance of the war vessels which navigate that part of the Gulf of Mexico.

Reiterating the most sincere thanks to the honorable Secretary of State for what his Government is doing to the end of preventing attempts against peace and order in the territory of a friendly nation, the undersigned begs him that, if it be possible, the proper steps may be taken to discover the reported deposits of arms and munitions, and he improves, &c.,

JUAN VALERA.

No. 395.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, July 14, 1884.

SIR: I have had the honor to receive this morning your note of the 12th instant, whereby you acquaint me with reports furnished by the consul of Spain at Savannah, Ga., to the effect that the Cuban filibusters have established deposits of arms, munitions, and dynamite at points near New Orleans, to the westward of Mobile, in keys in the vicinity of Key West, and in the Turk's Islands, with the purpose of removing them therefrom in small smacks which may elude the vigilance of the war vessels stationed in the Gulf of Mexico. In consequence of this information you request that the Government of the United States take appropriate steps, if possible, to discover the reported deposits.

This Government, which has omitted no effort to lay its hand on any overt act of hostility against Spain, and to enforce its own laws in the premises, will gladly continue to do all that may be possible in this direction. To this end I communicate copies of your note to the Secretaries of the Navy and of the Treasury and to the Attorney-General for such action as may be feasible.

Permit me, however, to observe that this information, coming from a point distant from those indicated, lacks the essential quality of definiteness, and would appear to embody the substance of floating rumors which have reached the Spanish consul at Savannah. Let me add that it seems not to have occurred to you that the rumored deposit at Turk's Islands is not within the competence of this Government to investigate, those islands being possessions of the British crown.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 396.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, July 14, 1884.

MY DEAR MR. MINISTER: I am in receipt of an unofficial and personal communication from the Secretary of the Navy, in which he asks if it is desirable that the United States steamer Galena and the Marine guard remain longer at Key West, where, as you are aware, they are now stationed.

Commander Batchellor reports that all is quiet; that he apprehends no danger to any person, and has no reason to believe that an attempt will be made from Key West to violate the neutrality laws.

Before replying thereto, I will be obliged if you can inform me of your views upon the subject at your earliest convenience.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 397.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, July 14, 1884. (Received July 15.)

VERY DISTINGUISHED SIR: In reply to your note of this date, which I have just received, I hasten to inform you that if, in virtue of the report of Commander Batchellor, and of those furnished to you by the Federal authorities at Key West, relative to the quiet state of that locality, the United States Government thinks that the proper time has arrived for ordering the withdrawal of the steamer Galena, I, for my part, have no objections to make to that step, and confine myself to repeating to the Government of the Union my warmest thanks, in

the name of my own Government, for all that it has hitherto done for the purpose of preventing adventurers from leaving these shores in order to commit outrages against the lives and property of the peaceful inhabitants of the island of Cuba.

I avail, &c.,

JUAN VALERA.

No. 398.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, July 24, 1884.

SIR: I have the honor to inclose herewith, for your information, a copy of a report from G. Bowne Patterson, United States district attorney at Key West, to the Attorney-General, under date of the 12th instant, relating to the forfeiture of the schooner Shavers and the cases of Emilio Diaz, Patrick Berry, and Bruno Alphonzo, all bearing upon the subject of Cuban expeditions.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure.]

Mr. Patterson to Mr. Brewster.

KEY WEST, *July* 12, 1884.

SIR: I have the honor to report that the United States district court for this district commenced its regular session here on the 16th ultimo, and on the 17th I brought to a hearing the case of The United States *versus* The Schooner Shavers, against which I had filed two "libels of information" for forfeiture; one for forfeiture under the neutrality laws, Section 5288 Revised Statutes, the other for proceeding on a "foreign voyage" in violation of Section 4337 Revised Statutes; on the 19th concluded the hearing, and on the 5th of July the district judge (Locke) decreed the schooner forfeited to the United States.

On the second day of the term I also filed, by leave of court, information (criminal) against Emilio Diaz and Patrick Berry, who had previously been arrested on the return here of the schooner Shavers, from Cuba, and had a hearing before the United States commissioner, and Berry held under bond for trial, and Diaz discharged. I found out that he was the one who prepared the means of the Agüero expedition, hired the vessel, and managed the whole business.

I also had one Bruno Alphonzo arrested on the 17th ultimo, having evidence of his having been one of the Agüero expedition, and had returned to this place from Cuba disguised.

Patrick Berry having failed to appear, an *alias capias* was issued, and judgment entered against his bondsmen for $529.69, amount of bond and costs, and on the 5th instant the amount was collected and paid into the registry of the court.

On the 1st instant Emilio Diaz was tried and convicted, and on the 5th was sentenced by the court to pay a fine of $500 and be imprisoned for a period of eight months. On the 1st instant Clinton Shavers, the owner of the schooner Shavers, was indicted by the grand jury for violating the neutrality laws, and arrested and placed under bonds, and upon the case being called for trial it was continued, on motion of the defendant's attorney, by order of the court.

On the same day the grand jury indicted Carlos Agüero, the commander of the expedition, and I had a *capias* issued and placed it in the hands of the marshal, instructing him to hold it and to arrest Agüero if he should return within this district.

Case of Bruno Alphonzo was continued, and he placed under bonds.

The forfeiture of the schooner Shavers and the arrest of her owner, and the conviction of Diaz, the manager of the Agüero expedition, and the activity and vigilance of the officers here have thoroughly convinced these people of the earnestness of the Government to enforce its neutrality laws, and I feel fully satisfied that there will be no further attempts in this district to organize expeditions in the interest of the Cuban revolutionists, at least for some time to come.

I am, &c.,

G. BOWNE PATTERSON,
United States Attorney.

No. 399.

Mr. Valera to Mr. Frelinghuysen.

[Translation.]

LEGATION OF SPAIN,
Washington, July 31, 1884. (Received August 4.)

The undersigned, envoy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor of informing the Hon. Frederick T. Frelinghuysen, Secretary of State of the United States, that he has received his note of the 24th instant, inclosing a copy of the communication directed by the attorney of the district of Cayo Hueso to the Attorney-General, in regard to the confiscation of the schooner Shavers and the trial of Emilio Diaz, Patrick Berry, and Bruno Alphonso.

The undersigned, in behalf of his Government, warmly thanks the Government of the United States for its zeal in sustaining the laws thereof, by bringing to trial and punishing the organizers of expeditions against the public peace of the island of Cuba, and gladly avails, &c.

JUAN VALERA.

No. 400.

Mr. Valera to Mr. Hunter.

[Translation.]

LEGATION OF SPAIN,
Washington, October 7, 1884. (Received October 8.)

The undersigned, envy extraordinary and minister plenipotentiary of His Majesty the King of Spain, has the honor to bring to the knowledge of the Hon. W. Hunter, Acting Secretary of State of the United States, that, according to information received by him from the consul-general of Spain in New York, of which communication has already been made to the attorney of the district, Maximo Gomez, Maceo Crombet, Dr. Hernandez, Carrillo Aguilera, and other Cuban insurgents are publicly conspiring in that city against Cuba, and propose, with various other refugees there resident, to make a turbulent manifestation against Spain on the 10th day of the present month.

The undersigned hastens to call the attention of the honorable Secretary of State to this matter, and begs him that, by the legal means which may be at the disposition of this Government, he will endeavor to prevent, as a mark of deference to the friendly relations which exist between this Republic and Spain, the conspiracies of the aforesaid individuals and the realization of their projected tumultuous manifestation.

The undersigned has no doubt of the good desire and the activity which the Government of the United States will show and will employ under the present circumstances to frustrate the evil aims of those obstinate disturbers of the public peace of Spain, and he improves, &c.

JUAN VALERA.

No. 401.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, October 9, 1884.

SIR: Your note received on the 8th, and laid before me this morning, states that certain persons named are publicly conspiring in New York against Cuba and propose to make a turbulent manifestation against Spain on the 10th instant. Your confidence that the United States will employ all proper measures in this country to frustrate the designs of those who would disturb the public peace of Spain is not misplaced.

If the "turbulent manifestation" anticipated should be a breach of the peace here, it will be checked by the local authorities. If it should prove to be only the gasconade of discontents it would be unwise to dignify it by official notice even if our laws afforded a censorship of mere speech.

At the same time the proceedings of any manifestation thought to be against the peace of Spain will be carefully watched as such proceedings may indicate contemplated overt acts unfriendly to Spain, which acts will be promptly suppressed, as the past action of this Government I am satisfied fully assures you.

By reason of the brevity of the notice you were able to give of the anticipated manifestation its true character cannot be more accurately conjectured than is herein indicated.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 402.

Mr. Frelinghuysen to Mr. Valera.

DEPARTMENT OF STATE,
Washington, October 29, 1884.

SIR: Referring to your recent notes, in which you express apprehension of further unlawful acts on the part of the Cuban sympathizers at Key West, I have the honor to say in further reply that, in a letter of the 10th instant to the Attorney-General, the United States district attorney at Key West employs the following language:

> There have been no attempts to violate the neutrality laws here since the trial and conviction here of those arrested for assisting the "Agüero expedition," and I am satisfied there will not be any further attempts made here.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

SWEDEN AND NORWAY.

No. 403.

Mr. Thomas to Mr. Frelinghuysen.

No. 25.] LEGATION OF THE UNITED STATES,
Stockholm, November 8, 1883. (Received Nov. 27th.)

SIR: I have the honor to state that the 6th of November was celebrated in Sweden as a festival.

The day is the anniversary of the victory and death of the great Gustavus Adolphus at Lützen, and the Swedes love to do honor to the memory of their great King, "the Lion of the North," whose "sword was mighty as the pen of Luther."

On the evening of the 6th at Stockholm, the entire space around Ridderholms church, the Westminster of Sweden, was filled with a vast multitude of people, a selected choir of two hundred voices marched with banners to the outer walls of the church, and halting just outside the mausoleum of Gustavus sang pæans to his memory.

Other choirs sang around the bronze equestrian statue of the heroic King, which rises from the center of the square that bears his name.

"Long live the memory of Gustavus Adolphus!" cried the choir as the song died away on the evening air, and the great throng of many thousands responded with four royal cheers.

On the morning of the 6th of November the American flag was run up at this legation in honor of the great Gustavus of Sweden. This is the first time I have hoisted our flag in Scandinavia. I did this with some little hesitation, for foreign ministers at this capital have not been accustomed to display the flag of their country. Indeed, I have failed to learn that they have ever done so. I believed, however, that this was "a custom more honored in the breach than the observance," and that the flag of a free people might well be flung to the breeze in honor of the greatest warrior in the cause of religious freedom; that the flag of America might well wave at the festival in commemoration of the Swedish King who founded the first Swedish colony within the limits of the United States. And so the beautiful new flag, just sent me by the Department, was run out from the American legation over the spacious King's Park, where it was seen from every part of the great promenade of Stockholm, across the harbor to the palace, and from beyond North bridge and Wasa bridge far out on the Mælar Lake. It was the only flag displayed by the representative of any foreign country at Stockholm.

This American tribute to Sweden is deeply appreciated by the Swedes, and was received by them with touching expressions of gratitude. The Swedish newspapers very generally speak of this tribute and always in thankful recognition thereof. The Nya Dagligt Allehanda and the Aftonbladet, the two evening papers of Stockholm, and the Handels Sidning, the chief newspaper of Gothenburg, make this hoisting of the American flag the subject of special editorials.

The following is a translation of the editorial in the Nya Dagligt Allehanda, the evening paper of the largest circulation in Stockholm:

The death of Gustavus Adolphus will be commemorated here to-day in the time-honored manner, with singing at the Gustavian mausoleum at Ridderholms church, and at the statue of the hero King on the square of Gustavus Adolphus. An especial tribute, beautiful but simple, and unostentatious, as becomes that land, the United

States of America, by whose minister this tribute has to-day been paid, deserves a grateful mention. Minister Thomas has to-day, from the balcony of his residence on the King's Park, hoisted the starry banner of America.

This Swedish-loving American, who, during a long sojourn in Sweden as consul for his native land, has learned to know and to appreciate our land and its people, has to-day, *for the first time*, hoisted the American flag, not to celebrate any holiday of his own country, but to do honor to the memory of the greatest among warriors for religious liberty. By this act Mr. Thomas also honors the founder of the first New Sweden in America, the Swedish colony on the Delaware, which, as is well known, was settled under King Gustavus Adolphus.

I forward herewith inclosed a copy of this editorial in Swedish, clipped from the newspaper itself.

I shall continue to fly the American flag from this legation, unless otherwise instructed, on the national holidays of the United States and of Sweden and Norway.

I have, &c.,

W. W. THOMAS, JR.

No. 404.

Mr. Thomas to Mr. Frelinghuysen.

(Extract.)

No. 29.] LEGATION OF THE UNITED STATES,
Stockholm, November 30, 1883. (Received December 17.)

SIR: I have the honor to address the Department of State on the subject of direct steam communication between Sweden and the United States.

The traveler from the United States to Sweden usually takes one of the great transatlantic steamers from America to Liverpool, thence a few hours by rail carries him across the country to Hull on the east coast of England. Embarking here a voyage of two days carries the traveler over the stormy North Sea, past the Skaw on the northern sandy point of Denmark, and into the port of Gothenburg, Sweden.

One may also leave America by the German Atlantic steamers, and, landing at Bremen or Hamburg, keep on by rail and boat to Copenhagen, whence a steamer will take him across the sound to Malmö, Sweden, in less than two hours.

Some four years ago the Danish Thingvalla Steamship Company was founded; this line plies once a fortnight between Copenhagen and New York. One may now therefore sail from New York to Copenhagen direct, and then changing steamer and crossing the sound arrive at Malmö, Sweden.

The great bulk of the traffic between Sweden and America passes over the first-mentioned route, to wit, from Gothenburg, Sweden, across the North Sea, to Hull, England, thence by rail to Liverpool, thence by steamship to America. In fact more than nine-tenths of the emigrants from Sweden to the United States take this route.

Each of these lines has its peculiar advantages, but they all have this one great disadvantage in common: that goods sent from America to Sweden must be discharged and re-loaded at a foreign port *en route*, with all the delays, breakages, damages, agencies, custom-house supervision, and annoyances which such transshipment is sure to occasion.

Of course, the same is equally true of goods sent from Sweden to America, and passengers and immigrants from either country to the other, together with all their baggage, must likewise be transshipped.

Yet spite of all hindrances and inconveniences the commerce between the United States and Sweden has attained large and ever-increasing proportions.

The United States export to Sweden large quantities of pork, lard, cotton, petroleum, rosin, maize, tools, sewing-machines, and Yankee notions, and some cheese, wheat, and black-walnut timber; while Sweden sends to the United States thousands of honest, industrious emigrants, and thousands of tons of iron every year. Since last July, there has been, also, an active shipment of matches from Sweden to our country.

Of pork alone (chiefly sides) the yearly export from the United States to Sweden may be reckoned at from 40,000 to 60,000 boxes, or 10,000 to 15,000 tons; while Sweden sends to the American Union every year about 60,000 tons of iron.

Of emigrants, there sailed from the port of Gothenburg, Sweden, for the United States, in round numbers, in 1881, 30,000; in 1882, 40,000; in the present year, 1883, the number will reach 25,000, notwithstanding the hard times and the consequent difficulty of obtaining employment in the United States.

Here then is a grand commerce, sufficient to handsomely support a weekly line of steamships, yet no steamer plies between the two countries. Furthermore, it is perfectly evident that the present extensive traffic must be materially increased by direct steam communication. Indeed it can never reach anything near its full fruition without this.

As long ago as 1863, 1864, and 1865, while I was stationed at Gothenburg as consul for the United States, the subject of a line of steamers from Gothenburg to New York demanded and received much of my attention and effort, and I remember with pleasure that one of the Gothenburg merchants who was most impressed with the practicability and importance of the matter was Mr. Adolf Meyer.

On my return to Sweden in August last in the service of the United States, I found that my old friend, Mr. Meyer, had not lost his interest in this subject, and that during all the intervening time, more especially during the last ten years, he had been actively at work endeavoring to form a company and raise the necessary funds to establish a Swedish steamship line between Gothenburg and New York.

He had prepared tables by which it was clearly proved that there was already more than sufficient business between the two ports to keep four steamships constantly and remuneratively employed. Yet, despite this, and Mr. Meyer's own very influential position among the business men of Sweden, he had not succeeded in getting the necessary capital subscribed.

One cause which no doubt operated largely against the enterprise was the Swedish emigrant law of 1869, by the provisions of which 50 per cent. more space on ship board was required for each emigrant than is exacted by the laws of England or the United States. A steamer, therefore, that sailing from England could take on board nine hundred emigrants, in sailing from Sweden could take but six hundred, and thus the receipts of the Swedish ship from emigrants would be diminished one third, a very important consideration.

This great obstacle however, is now happily removed. The King, by a royal order of the 2d of March of this year, 1883, has so modified the Swedish emigrant laws that they conform to the laws of the United States in respect to the space to be accorded to each emigrant, so that

now a ship may sail from Sweden with as many emigrants on board as she would be allowed if she sailed from England or Germany.

During the past three months the project has advanced with rapid strides. Failing to get the requisite capital for a steamship line subscribed in Sweden, Mr. Meyer turned to the North German Lloyds of Bremen. After extensive and minute negotiations, Mr. Meyer has been successful, and I have the honor and pleasure to announce that a contract has been made. * * *

The line will at first consist of but two steamships, the Baltimore and Berlin, which will make monthly trips between New York and Gothenburg, performing the voyage in fourteen or fifteen days. * * *

It is believed that the line thus inaugurated will be permanent, that new ships will be added, and that at no distant date fortnightly and then weekly steamers will ply across the North Sea and the Atlantic Ocean, facilitating and increasing trade, commerce, and immigration.

This line is, of course, owned in Germany, but the project of a line to be owned in Sweden has not been abandoned. Subscription papers are being circulated by respected and efficient merchants in Stockholm and Gothenburg, who are hopeful of obtaining the sum of $533,000, which will be sufficient to purchase two steamers of 3,000 tons burden each, whose trips will alternate with those of the ships of the North German Lloyds, and together with them form a fortnightly line.

It is intended that the Swedish-owned ships shall sail from Stockholm, thence coasting around the southern end of the Swedish peninsula they will touch at Malmö and Gothenburg, whence they will sail direct for New York, passing to the north of Scotland. Returning, they will steam directly to Gothenburg, and then keep on to Malmö and Stockholm.

But whether this latter line be put in operation or not the most important fact remains. * * *

Next spring for the first time the American exporter may ship his goods on board a steamer at New York, and have them carried by that steamer directly to Sweden without transshipment. Next spring the thousands of Swedish emigrants may go on board a steamer in a harbor of their own country and in this steamer sail directly to America.

This direct communication must naturally and inevitably increase the export of American products to Sweden.

In this connection I would call particular attention to Sweden as furnishing a market for American wheat. The consumption of wheat is increasing in Sweden, and as a large portion of this country is too far north for its profitable production, it is imported in increasing quantities. In 1882 the wheat import of Sweden reached a value of more than $2,000,000.

An inconsiderable fraction of this came from the United States, but the great bulk thereof was imported from Denmark and was the product of Danish soil.

With direct steam communication, I am confident that the United States can supply Sweden at a profit with all the wheat she imports.

It is with pleasure I write this dispatch, for the assured establishment of direct steam communication between the United States and Sweden is certainly a just cause of congratulation in both countries.

I have, &c.,

W. W. THOMAS, JR.

No. 405.

Mr. Thomas to Mr. Frelinghuysen.

No. 35] LEGATION OF THE UNITED STATES,
Stockholm, December 26, 1883. (Received January 11, 1884.)

SIR: In my dispatch No. 29 I had the honor to address you on the subject of direct steam communication between Sweden and the United States. I took occasion in that dispatch to speak at length of the amount and importance of the commerce between the two countries, and the large emigration from Sweden to the United States, and to announce that direct steam communication between Sweden and America would be inaugurated in 1884 by steamers of the North German Lloyds, which would ply once a month between Gothenburg and New York, the pioneer steamer leaving Gothenburg on April 24.

I have now the honor to inform you that a second line of steamships between the United States and Sweden will be put in operation in 1884. The name of the new company is the Direct Swedish Steamship Line. It will at first be composed of three steamers of about 3,500 tons capacity each, named, respectively, Lincoln City, Stockholm City, and Gothenburg City.

These are iron screw steamships, entirely new, and now being fitted up in England. They are first-class vessels, and rated 100 A 1 at Lloyds. They will contain commodious quarters for emigrants, and also accommodations for a limited number of first and second class passengers. The hull of each ship will be divided into eight compartments suitable for carrying grain in bulk.

These ships will sail from Stockholm, and, coasting around the southern end of the Swedish peninsula, touch at the Swedish ports of Malmö and Gothenburg, whence they will steam direct to America. Their return trips will be to Stockholm, touching at Gothenburg and Malmö, if there be freight or passengers for those ports.

The vessels of this line will sail about once in three weeks between the two countries. The first ship will depart from Stockholm about the middle of April, 1884, for the port of New York. The second ship will sail for Boston, the third for New York, and so on, the steamers making alternate trips to New York and Boston.

This line is owned in England, but it will be managed on this side the Atlantic by the energetic and honorable firm of Olsen & Wright, Stockholm. The agents in New York will be Messrs. Simpson, Spence & Co., and in Boston, Messrs. J. B. Brigham & Co.

I desire to call the attention of American exporters to the facilities afforded by this Stockholm line, as well as by the Gothenburg line, mentioned in my dispatch No. 29, for increasing the volume and variety of American exports to Sweden, and more especially the export of grain and flour, agricultural machinery, and bulky articles, and fruit, and other perishable goods.

Grain.—The unavoidable necessity of transshipping all grain in a foreign port has hitherto prevented the shipment of grain from America to Sweden by any of the regular lines. An occasional cargo, however, has been exported by sailing vessels. But the cargo of grain carried by vessels suited to the North Atlantic trade amounts to from 5,000 to 8,000 quarters. This amount is too large to be economically handled by any one Swedish merchant at one time.

Wheat.—Again, the flour-mills of Sweden are of limited capacity, and none of them can advantageously receive a whole cargo of wheat at

once. The result is that although the wheat import of Sweden for 1882 reached a value of more than $2,000,000, it was nearly all imported from Denmark or Stettin, only an inconsiderable fraction thereof coming from the United States. These direct steamers now offer for the first time a twofold advantage to the American exporter of grain:

(1) Wheat may be exported directly from New York or Boston to Gothenburg, Malmö, or Stockholm, Sweden, by steam, without transshipment.

(2) These direct steamers, being divided into eight compartments, can carry small amounts of grain in bulk—from 1,000 to 3,000 quarters per trip—which amounts can be most economically handled in Sweden.

Maize.—What is said of wheat is equally true of maize. Maize is now used to a considerable extent in Sweden for feed and in the distilleries. A large amount of maize may be profitably exported from America to Sweden with the opportunity for direct and limited shipments in bulk now offered.

Flour.—It is my belief that flour in barrels may be successfully shipped to Sweden by the direct steamers.

Agricultural machinery, &c.—I am convinced that the improved American agricultural machinery could be sold at a profit, especially in the southern provinces of Sweden. Such machinery, and indeed all bulky articles, can, of course, be most conveniently transported by a direct line, the difficulties of transshipment being increased by the bulk of the goods.

Fruit.—In the winter of 1882–'83 American apples were imported into Sweden in considerable quantities, and met with a ready sale. The Baldwin is the variety preferred here. Of course transshipment, even the most careful, is sure to bruise and injure fruit, and cause its speedier decay. It seems to me, therefore, that direct steamers may bring to Sweden not only apples but some of our more delicate fruits and perishable articles generally, the shipment of which has hitherto been difficult or impracticable.

Canned goods.—But few of the American canned goods are consumed in Sweden, while large quantities of the French goods are used here. I feel sure that Sweden offers a desirable and extensive market for the sale of American canned fruits, vegetables, lobsters, and oysters.

Yankee notions.—The thousand and one little articles of daily use and convenience embraced under the prolific appellation of Yankee notions can be sold in Sweden in respectable quantities and at a good profit.

To recapitulate, I would call the special attention of American merchants to the advantages direct steam communication offers for the shipment of—

(1) Wheat and maize in bulk in limited quantities, suited to the Swedish market.

(2) Agricultural machinery and bulky articles generally.

(3) Fruits, flour, and perishable goods.

In conclusion, I desire to say that I do not believe the well-established Atlantic steamship lines have cause to look with jealousy upon these new direct steamers. The business done by the new ships will be largely such as they themselves create, and such as is not at present, and can never be, advantageously done by the older lines, which must inevitably transship all goods carried by them to and from Sweden. The present Swedish business done by the old lines will quite generally remain to them. It is the increase of business which the direct

steamers will chiefly carry, and of this increase they will themselves be largely the occasion.

It seems to me that the direct steam communication between Sweden and the United States, which is to be inaugurated in April next, will be permanent, and must of necessity materially increase trade, commerce, and immigration, and at the same time invigorate and strengthen the friendship and good will which have always subsisted between America and Scandinavia.

I have, &c.,

W. W. THOMAS, JR.

No. 406.

Mr. Thomas to Mr. Frelinghuysen.

No. 65.] LEGATION OF THE UNITED STATES,
Stockholm, May 3, 1884. (Received May 21.)

SIR: Referring to my dispatch No. 29 on the subject of direct steam communication between the United States and Sweden, I have the honor to inform you that the Leipzig, the pioneer steamer of the first direct steamship line between the two countries, sailed from Gothenburg, Sweden, direct for New York, at 2 o'clock on the afternoon of May 1, having on board 228 emigrants, and 220 tons cargo.

I have, &c.,

W. W. THOMAS, JR.

No. 407.

Mr. Thomas to Mr. Frelinghuysen.

No. 72.] LEGATION OF THE UNITED STATES,
Stockholm, May 31, 1884. (Received June 16.)

SIR: Referring to my dispatch No. 35 on the subject of direct steam communication between the United States and Sweden, I have the honor to inform you that the Stockholm City, the pioneer steamer of the Direct Swedish Steamship Line between Stockholm and the United States, sailed this afternoon at 4 o'clock from Stockholm for Boston.

The Stockholm City is an entirely new English-built iron steamship. She carries 3,600 tons heavy goods, or 4,500 tons measured goods, and is permitted to carry, under the laws of Sweden, 840 passengers.

She sailed from Stockholm, having on board 1,200 tons freight, chiefly iron, and 5 first-class, 10 second-class, and 114 steerage passengers. She will touch at the Swedish ports of Malmö and Gothenburg, where she will take on board 800 tons of iron, 3 first-class and 300 steerage passengers. The Stockholm City will therefore take across the North Sea and Atlantic Ocean to Boston 2,000 tons cargo, chiefly iron, and 434 passengers, nearly all emigrants.

This steamer will be followed by the Lincoln City, sailing from Stockholm for New York June 14, and thereafter by the Gothenburg City, sailing from Stockholm for Boston about July 10.

In my dispatch No. 65 I had the honor to inform you that the first

steamer of the Gothenburg line sailed on May 1, from Gothenburg for New York.

The two lines of direct steamships announced to the Department in my dispatches Nos. 29 and 35 of last year are now in actual operation. Direct steam communication between the United States and Sweden is now a fact. Sweden is now for the first time open to the direct shipment of American products and manufactures by regular lines of steamships.

It is earnestly to be hoped that American exporters will give immediate and careful attention to this new direct market, which is ready to receive and consume considerable quantities of American wheat, flour, maize, agricultural machines, fruit, canned goods, and Yankee notions.

I have, &c.,

W. W. THOMAS, JR.

SWITZERLAND.

No. 408.

Mr. Cramer to Mr. Frelinghuysen.

No. 126.] LEGATION OF THE UNITED STATES,
Berne, March 25, 1884. (Received April 8.)

SIR: It may perhaps be of interest to the Department to learn that the Swiss Federal Council has issued an order, under date of March 22, 1884, by virtue of which four so-called Anarchists have been or will be expelled from Switzerland.

It is known that during the past few months fearful crimes have been committed in Austria and Germany; that two men, Hermann Stellmacher and Anton Kammerer, have been arrested in Vienna under indictment of having committed some of these crimes; that these two men have, during the past few years, been frequently domiciled in Switzerland, and that they, in their nefarious business of rendering life and property in Austria and Germany insecure, have been maintaining active personal relations with the following named four foreigners, now residing in Switzerland, namely: Frederick Philip Kennel, from Bavaria; Maurice Schulze, from Prussia; Karl Falk, from Steiermark; and Mathias Lissa, from Bohemia.

The Swiss Federal Council, in view of the fact "that the public safety in Germany and Austria is endangered" by anarchists, who have committed crimes above referred to, and in virtue of the authority vested in them by article 70 of the federal constitution, which reads, "The confederation has the authority to expel from its territory foreigners who endanger the internal or external safety thereof," have decreed that the above-named four foreigners shall be expelled from Swiss territory.

It appears from the press that this action of the Federal Council is generally approved by the public.

I have, &c.,

M. J. CRAMER.

No. 409.

Mr. Cramer to Mr. Frelinghuysen.

No. 137.] LEGATION OF THE UNITED STATES,
Berne, April 18, 1884. (Received May 3.)

SIR: Almost every American mail brings letters addressed to this legation (or to the consulate general) by natives of Switzerland who have acquired citizenship in the United States, requesting our good offices in the collection of patrimonies, legacies, and other forms of property. As the Swiss Federal Council does not like to see the foreign legations at this capital placing themselves in direct correspondence with the cantonal governments, this legation has therefore declined to officially attend to the collection of such property, unless instructed to do so by the Department.

All such requests have, however, been attended to by the consul-general connected with this legation, Mr. J. E. Hinnen, the vice and deputy consul-general, acting under my supervision as the medium of communication between the cantonal or communal authorities and the parties in the United States whose property is to be collected.

In attending to such business we meet with many difficulties, the chief of which is that the parties desiring us to collect their property have generally failed to comply with the Swiss law concerning expatriation.

This law requires, among other things, that those who have expatriated themselves and acquired citizenship in other countries should transmit to the government of the canton of their birth a duly authenticated statement of their renunciation of citizenship in said canton, with a request to release them therefrom. This statement to be accompanied with legal proofs of their having acquired citizenship elsewhere; that is, a duly certified copy of their naturalization certificate. The principal reason therefor is to preclude the possibility of such persons, in case of poverty, to return to the community of their birth, for the purpose of claiming financial and other aid from the local authorities thereof.

Unless these requirements are complied with these local authorities are not willing to surrender such property and legacies. All this causes much unnecessary correspondence between this legation and consulate-general on one hand, and said local authorities and American citizens of Swiss birth on the other, to say nothing of the insulting letters the latter class of persons often address to us, if we are, for the reasons stated above, unsuccessful in collecting their claims.

Under these circumstances I take the liberty to suggest that the Department cause a statement to be published in English and German journals in the United States making known to American citizens of Swiss birth what the requirements of the Swiss law are respecting the collection of their claims in their native homes. Much unnecessary correspondence and hard feelings would thereby be avoided.

I have, &c.,

M. J. CRAMER.

No. 410.

Mr. Cramer to Mr. Frelinghuysen.

No. 139.] LEGATION OF THE UNITED STATES,
Berne, April 22, 1884. (Received May 5.)

SIR: The new constitution of the Swiss Confederation of 1848, was revised in 1874, and came into force on the 29th of May of that year. According to this instrument, the legislative power is lodged in the Federal Assembly, which consists of two houses, the "National Council" (House of Representatives) and the "States' Council" (Senate). Among the articles of this constitution defining and limiting the powers of the Federal Assembly is article 89, which contains a unique provision. Translated this article reads as follows:

> For federal laws and federal resolutions the consent of both houses is necessary. Besides, federal laws, as well as universally binding federal resolutions which are not of an urgent character, shall be submitted to the people for adoption or rejection in case 30,000 Swiss citizens who are entitled to vote, or eight cantons, shall demand it.

Article 90 states that the Federal Assembly shall have the power by appropriate legislation to make provision for carrying into effect the intentions of the preceding article.

Now, since the adoption of the revised constitution, May 29, 1874, the *referendum*, as it is called, that is, the submitting to the people's direct vote of laws passed by both houses of the Federal Assembly has been adopted in ten distinct cases; that is, ten separate and distinct laws passed by said assembly have thus been submitted to the people upon the demand of the prescribed number of citizens.

The smallest number of citizens making such a demand was 35,886, and the largest 180,995.

Out of these ten different laws only three were endorsed, adopted by the people, and seven were rejected. The result of the popular vote in each case was as follows:

The first law was adopted with 213,199 against 205,069 votes.
The second law was rejected with 207,263 against 205,583 votes.
The third law was rejected with 193,253 against 120,068 votes.
The fourth law was rejected with 184,894 against 156,157 votes.
The fifth law was adopted with 181,204 against 170,857 votes.
The sixth law was rejected with 181,883 against 170,223 votes.
The seventh law was rejected with 213,230 against 131,557 votes.
The eighth law was adopted with 278,731 against 115,571 votes.
The ninth law was rejected with 318,139 against 172, 010 votes.
The tenth law was rejected with 254,340 against 68,027 votes.

Here we have democracy, pure and simple. In this manner the rights and wishes of the minority are respected and maintained.

Besides, if the Federal Assembly should at any time during its term of service lose its hold upon the people, or no longer represent their wishes and convictions, said assembly will be taught by this method what the will of the people is in any important matter.

But, on the other hand, such an operation may be convenient only for a comparatively small country; for a large country like the United States a political machinery of this character would doubtless be too cumbersome and expensive.

One inference that may be drawn from the results of the use of the "referendum" in Switzerland is, that in the majority of cases the people appear to be more conservative than their chosen representatives, and the lesson taught thereby is: The people may always be trusted.

I have, &c.,

M. J. CRAMER.

No. 411.

Mr. Frelinghuysen to Mr. Cramer.

No. 95.] DEPARTMENT OF STATE,
Washington, July 3, 1884.

SIR: Referring to your No. 137 of April 18 last, in which you allude to the requirements of Swiss law in cases of expatriation, I have to say that the existence of the difficulties which you point out in the matter of collection of their claims to property by our naturalized citizens of Swiss origin further shows the necessity of adjusting the whole question by a proper treaty of naturalization between the two countries.

Your attention is called in this connection to instruction No. 7, of October 19, 1882. The requirements of the Swiss law to which you allude have been communicated to the press.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

TURKEY.

No. 412.

Mr. Heap to Mr. Frelinghuysen.

[Extract.]

No. 303.] LEGATION OF THE UNITED STATES,
Constantinople, December 15, 1883. (Received Jan. 10, 1884.)

SIR: Respectfully referring to my dispatch No. 298, dated the 15th of November last, I have the honor to transmit for the further information of the Department, regarding the complaint of Messrs. Knapp and Reynolds, a copy of a letter received recently from the former, describing his identification of Moussa Bey, their principal assailant, and of the latter's subsequent release. I send also a copy with translation of a note from the minister for foreign affairs, dated the 8th instant, in reply to mine of the 15th of November last, and of my answer to the same dated the 13th instant. * * *

I have informed the minister for foreign affairs that I should refer the matter to my Government.

The legation must now suspend further action in this case until it shall receive such instructions as it may please the Department to give.

I am, &c.,

G. H. HEAP,
Chargé d'Affaires ad interim.

[Inclosure 1 in No. 303.]

Mr. Knapp to Mr. Heap.

BITLIS, TURKEY, *November* 12, 1883.

MY DEAR SIR: * * * I have been requested by Mr. Eyres, of Van, to send him details of my identifying the Kurdish assassin who so severely wounded Dr. Reynolds, and beat and robbed both him and me on May 22. Thinking it might be due to justice and yourself to send you the same account, I will here give it. On the

29th of September last I made a call upon Arif Effendi, our Voli Pasha, and during the interview he took occasion to say that we had reported to the officials at Constantinople that one Moussa Bey was the man who attacked Dr. Reynolds last May. He said that, according to instructions received, he would summon him, and if I did not recognize him as the assailant he should let him go; otherwise he would detain him as a prisoner.

On October 4 it was rumored that Moussa Bey went to the mountains south of his village, and that word was brought back by the biubachi that the Bey was ill and could not come.

This officer was sent again with specific instructions to bring the Bey without fail.

On October 22, just five months to a day since the assault, I was summoned to appear before the Moodier Ocmoomy to identify the assailant.

Before going I called Hohannes Agh, our Protestant arzkeybet, and inquired if he thought it was necessary for me to go; could I not require that Moussa Bey be brought to my door, as were the four prisoners. I was told that these prisoners were subsequently released on their paying a bribe of two Turkish pounds each a few days after the tragedy. He told me that Moussa Bey would submit himself to be flayed alive rather than condescend to come. He furthermore told me that I was bound to answer but one question, "Do you recognize the assailant among those brought before you?"

I felt quite ill from a severe cold and should like to have been released from going. However, taking Baron Havatvoa as interpreter, and two servants, we mounted our horses and in twenty minutes reached the court-house.

On arriving I soon saw that I was to be questioned the same "Tadakhaz" or judge before whom I was summoned on this matter June 11. What I supposed would take only ten minutes proved to be an hour and a half. I will state a few questions asked me, from which it appeared to my interpreter and me they were befriending Moussa Bey.

First, the Tadakhaz said to me, "It is some five months since the assault; have you an opinion who committed it?"

I replied, "I do not know who did it."

"But you have telegraphed your ambassador that Moussa Bey, the son of Meza Bey, and two others named," giving the names.

I replied, "I have sent no such names; it is possible my associate has," meaning Dr. Reynolds.

Another question, "Do you know your assailants?"

I replied, "I might not recognize all of them, but I thought I should the one who used the sword."

After several more questions, he said: "We have summoned your assailants; do you wish me to bring them before you?" I replied in the affirmative. Four, I think, were ushered into the court-room attended by their guards and several spectators. I scanned the face of each very closely, and pointing my finger to one, said, "That is the man, for I recognize his face." He had come in with an affected unconcern, but when I pointed my finger at him his countenance suddenly blanched. He was of medium height; had a florid complexion; his mustache of a light sandy color, and the hair of his head a shade darker; of a full face, and apparently near thirty years of age. He had on a large, gay head-dress of many colors, a dark-colored broadcloth frock coat, and high-heeled shoes, but "I see that he has on a different kind of dress," said I. To which the "Tadakhaz" replied, "That is not possible, for the one he has now is his customary dress." I should have said, "that is the man who used the sword." The "Tadakhaz" wrote down his name as Moussa Bey, son of Meza Bey, as I was subsequently told by my interpreter. I was asked, "Did you not see this man at your stopping place the night before the attack?" I replied, "No." At this, the man left his companions and ascended the three or four steps, that took him to the platform, and stood by the side of the chair in which I was seated. I was then asked, "How was it that he should have come into the room where you were, and you not see him?" I replied, "The room was very dark; the light of the only tallow candle was dim. I was very much fatigued, and I did not pretend to notice any one, and on drinking the tea the doctor gave me, I immediately lay down to rest." Upon this moment my assailant interrupted me by saying, "That was strange, that you did not see me." Whereupon he was told to be silent.

I was repeatedly cautioned to see that I was not mistaken in the man, at which I told the court the particulars of the appearance of the three assailants as they walked in Indian file up the hill to meet us singing a weird song. How I then marked his features, and then said to myself I should carry the expression of that face to my grave, and that I thought I could not be mistaken.

Of the three others brought before me, I did not recognize any one as our other assailants, but I was afterward told that one was Moussa Bey's servant, and the other two were strangers brought in purposely to perplex me.

After the prisoners were taken out the "Tadakhaz" turned around and feeling that

he was going to trip me by a question, said, "On May 23, when your deposition was taken, you said that Moussa Bey called upon you the night of May 21. How is it that you now say you never saw him?" I replied, "I have never seen him to know him, and even now I do not know him by name. When the deposition you refer to was taken both Dr. Reynolds and I were present. He might have said that Moussa Bey called upon us, but I then made no such statement."

There was one Hagab Effendi, brother of Arides Effendi, present in court, of which he is a member. My assailant was his guest, of whom he stands in awe, and this Hagab plied me with questions with the view of puzzling me and so defending the assailant.

On returning home I inquired of Baron Havatova, my interpreter, what was the name of the man I pointed out as Dr. Reynolds's assailant. He replied, "Moussa Bey." Till then I was positive that it was he.

During this investigation there was a man in the ante-room who told my servant that he believed Moussa Bey was the assailant, and added, "he murdered my brother." I have been told that Moussa Bey, while a boy, murdered a Kurd. It is the prevailing opinion that he is the man who attacked the doctor.

He was not imprisoned while here, and after appearing in our streets a few days he was allowed to return to his home under the pretense, I am told, of producing the real assailant, he saying that I have mistaken the man.

Please express to General Wallace, when you write to him, my sincere thanks for his sympathizing letter; and I pray that he may meet with abundant success in his attempt to protect the American missionaries from the abuse of Turkish subjects.

I remain, &c.,

GEO. C. KNAPP,
Missionary of the A. B. C. F. M.

[Inclosure 2 in No. 303.—Translation.]

Aarifi Pasha to Mr. Heap.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, December 8, 1883.

MONSIEUR LE CHARGÉ D'AFFAIRES: I had the honor to receive the two notes you were pleased to address to me on the 7th and 12th of November last, No. 185, relating to the act of aggression of which Messrs. Reynolds and Knapp, American missionaries, were the subject, in the neighborhood of Ghuarié.

The governor-general of the vilayet of Bitlis, of whom explanations had been demanded on the subject, has just telegraphed to us that the judicial authorities of the province, far from giving evidence of the least negligence, are acting with the greatest celerity in the examination of the affair.

Moussa Bey, designated by the plaintiff as the leader of the aggressors, was immediately delivered into the hands of the authorities. As to Osmon and Hassan, accused of complicity, it has been impossible so far to arrest them, their domicile not having been discovered. Mr. Knapp, on being questioned on this subject, has declared that he did not know them and that he had no complaint against them. The tribunal before which the case was brought has, in consequence, been obliged to write to the attorney-general at Van to obtain the necessary information from Dr. Reynolds, who is at present in that town.

Finally, Arif Pasha gives the assurance that nothing will be neglected to hasten the course of justice.

In bringing these facts to your knowledge, I seize, &c.,

A. AARIFI.

[Inclosure 3 in No. 303.—Translation.]

Mr. Heap to Aarifi Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, December 13, 1883.

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of the note that your highness was pleased to address to me on the 8th instant, No. 72953, 37, relative to the explanations which have reached the imperial ministry on the subject of the aggression against Messrs. Knapp and Reynolds, American missionaries, in May last, in the neighborhood of Ghuarié.

I greatly regret that my duty obliges me to inform your highness that the reports I have received on the subject do not agree with those that have been made to the imperial ministry.

Although it is true that Moussa Bey, the principal assailant of Messrs. Knapp and Reynolds, and who inflicted the nearly mortal wounds on the latter, from which he is not yet recovered, was requested to appear before the tribunal at Bitlis, to be confronted with Mr. Knapp, by whom he was identified as one of his assailants, it is not the less true that instead of being delivered up to justice, as stated by Arif Pasha, he was allowed to return to his country upon promising to send to Bitlis the person who, according to him, was the real culprit, for he naturally claimed to be entirely guiltless of the crime.

It is with pain that I must state that the proceedings of the vilayet of Bitlis in the course of this unfortunate affair have exhibited the most indescribable inertia and indifference. Moreover the unfortunate reputation of Arif Pasha gives us but little reason to hope that the assailants of Messrs. Knapp and Reynolds will be brought to justice as long as this functionary is maintained in the post of which he has shown himself so unworthy, the more so as nearly seven months have elapsed without any serious steps being taken to this end.

This legation having been unsuccessful, notwithstanding all its efforts, in obtaining any reparation for the outrages of which my fellow-citizens have been the victims, the only course remaining for me to take, your highness, is to protest energetically against the imperial authorities of the vilayet of Bitlis, who have so entirely neglected their duty, and to transmit to my Government a report on this deplorable affair, with all the accounts relating to it.

I beg, &c.,

G. H. HEAP.

No. 413.

Mr. Frelinghuysen to Mr. Wallace.

No. 148.] DEPARTMENT OF STATE,
Washington, January 17, 1884.

SIR: I have received Mr. Heap's dispatch, No. 303, of the 15th ultimo, relative to the complaint of Messrs. Knapp and Reynolds, who were assaulted by brigands in Armenia in May, 1883.

In response to Mr. Heap's request for additional instructions, I have to say that this Government regards the case of those gentlemen as clearly made out and the identification of the principal assailant as complete. Under these circumstances it would be entirely incompatible with this Government's sense of dignity to attempt to support by argument what is so patent as to need no such support, or to make appeal to Turkish sense of equity and good-will when the aggrieved parties have the fullest *right* to justice. Consequently, no additional instructions will be given, but the case should, upon the facts as they are known and understood by your legation, be energetically renewed and pressed to a just and speedy conclusion.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 414.

Mr. Wallace to Mr. Frelinghuysen.

No. 315.] LEGATION OF THE UNITED STATES,
Constantinople, January 24, 1884. (Received February 20.)

SIR: I have the honor to report a correspondence with his highness, the minister of foreign affairs, relative to certain persons claiming

American citizenship by naturalization, but at present domiciled in Palestine, and to transmit for your consideration the notes upon the subject interchanged up to the present: a copy of the minister's communication, a translation of that, and my reply thereto.

I have reason to believe that the movement on the part of the Sublime Porte has application to the little colony of naturalized American Jews, which, when visiting Jerusalem, I found resident there, in number thirty-five or forty. They are mostly old men, and quite poor, who have betaken themselves to Palestine as the most sacred of places, thinking that if they behaved themselves and lived orderly lives they might be permitted to die and be quietly buried there. It is, in my opinion, more than probable that some of them were originally Russian subjects.

Permit me to hope that my reply will meet your approval.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 315.—Translation.]

Aarifi Pasha to Mr. Wallace.

NOTE VERBALE.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, January 22, 1884.

According to reports received from the authorities of Jerusalem, a certain number of Russian subjects, who left their country about five years ago to live in Palestine, have been declared by the Russian consular authorities to have forfeited their nationality and have succeeded at a subsequent date to have themselves admitted as American citizens.

A naturalization obtained in such conditions could evidently not be recognized by the Imperial Government as legitimate and valid. The ordinary principles of right oppose themselves to its admission in European countries, and also, *a fortiori*, in the Ottoman Empire, where the capitulations assure to foreigners exceptional immunities, and where, consequently, the control to be exercised by the authorities on a change of nationality presents an indisputable question of order.

In principle and in strict right, any foreigner established in the Empire who should lose his rights to his original nationality must be considered as an Ottoman subject, and if he desires to embrace this or that other citizenship he is bound to go to the country whose naturalization he desires to acquire to live there the number of years fixed by the local laws and conform in all points required to obtain a change of nationality.

In calling the attention of the United States legation to the preceding considerations, the Sublime Porte likes to hope it will be good enough to acknowledge the justness, and transmit conformable instructions to its consul at Jerusalem.

[Inclosure 2 in No. 315.]

Mr. Wallace to Aarifi Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, January 24, 1884.

HIGHNESS: I have the honor to acknowledge receipt of your *note verbale*, No. 73375, 1, dated January 22, 1884, relative to certain persons in Palestine who were originally Russian subjects but have succeeded in having themselves admitted as American citizens.

It is greatly to be regretted that the communication is not as particular in its terms as the importance of the principles involved would seem to justify. There are three classes of persons, however, to which the application may be meant: First, a class

claiming American citizenship who have not even taken out the first paper required of them by the law; second, a class asserting the claim who have gone so far as to take out the first paper, renouncing their original allegiance, but there stopped; and third, a class who have in every point perfected their naturalization as citizens of the United States.

The instructions given to the American consul at Jerusalem for his government in the matter may be substantially stated for the satisfaction of your highness.

A copy of the note with which your highness has honored me has been transmitted to that official for his information; his attention is then particularly called to the description of the persons referred to therein, and he is directed to make diligent inquiry to ascertain if there are such persons in his consular jurisdiction. If he finds there are any fairly within the first of the classes above given, he is simply to inform them that they have no right to his protection; if he finds any who are properly of the second class he is to examine their papers, take copies of them, and report upon their authenticity; of this second class he is also to inquire when they left America, how long they have been aboard, how long in Palestine, why they came abroad, why they took up residence in Palestine, what business they are there engaged in, if any, whether they intended returning to America when they left its shores, and keep a record of their answers, together with all the evidence for and against such intention which he can procure, including why they have not returned, and when they now purpose doing so. When these inquiries are concluded, he is directed to transmit a full report of everything pertinent to the subject to this legation through the consulate-general in Constantinople, the object being to refer each of such cases to Washington for consideration there. I shall be happy to apprise your highness of the decisions arrived at, and the instructions I may receive concerning them, but until then I cannot admit the principles and rules stated in your note as applicable to persons of this second class.

As to persons whom he may find of the third class, he is told that if they are orderly and going about their lawful business, whatever it may be, and mindful of the laws of the Empire, they have a right to live there unmolested; that this right is derived from the ancient capitulations, of late days reaffirmed by the treaties existing between the two Governments; that for conveniency, rather than a yielding up of principle, the United States have, in instances, temporarily submitted to claims insisted upon by friendly Governments against naturalized citizens of the United States formerly subjects of those friendly Governments, but who voluntarily returned and placed themselves under their jurisdiction; that as yet all such cases have been settled by amicable diplomatic arrangement; that the United States have never admitted the right of a foreign government to decide upon and nullify in any manner the franchises conferred under its naturalization laws, much less have they sanctioned the extraordinary principle which appears for the first time enunciated in your highness' note, that if a person naturalized in the United States, but resident in Turkey, has lost his *original* nationality, he becomes an Ottoman subject, regardless of his American naturalization; that whatever ground in right this principle may have with respect to naturalized American citizens formerly Turkish subjects, it cannot be permitted application to a naturalized American citizen originally the subject of a power not Turkish. In accordance with these views the consul is instructed that if he finds in his jurisdiction many or few naturalized Americans of the third class they have a right to call upon him for protection, and it is his duty to protect them; and to that end he must exhaust the means usually of resort on such occasions; failing in them, he must close his consulate and come away, if possible bringing the threatened people with him; and that I have no doubt the Government of the United States will have a vessel ready to receive him and them. These are, in substance, the instructions given, and I leave them to derive additional force and meaning from your highness' great intelligence and long experience in international affairs.

I avail, &c.,

No. 415.

Mr. Wallace to Mr. Frelinghuysen.

No. 317.] LEGATION OF THE UNITED STATES,
Constantinople, January 25, 1884. (Received February 20.)

SIR: I have the honor to transmit to the Department, for its consideration, a copy of a note which will be delivered to his highness, the minister of foreign affairs as soon as a translation of it can be prepared.

The subject is the murderous assault committed last year by Kurds upon Rev. Mr. Knapp and Dr. Reynolds, the particulars of which have been heretofore given you.

The decision to resort to demands for indemnity in these cases is the result of much careful reflection, and a firm belief that there is no other method of accomplishing redress. A reading of the course pursued in the matter by the Turkish authorities, high and low, will, it is believed, bring the Department to the same conclusion, and to an approval of the step I have assumed to take.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 317.]

Mr. Wallace to Aarifi Pasha.

NOTE VERBALE.

LEGATION OF THE UNITED STATES,
Constantinople, January 24, 1884.

The legation of the United States of America has the honor to invite the attention of his highness, the minister of foreign affairs, to the matters following:

By note No. 167, June 13, 1883, the legation informed his highness that two American citizens, traveling in the vilayet of Bitlis, had been set upon by Kurds, robbed, and left to die, and that the governor-general of the vilayet had manifested the most singular indifference about the affair, and might be fairly charged with responsibility for the escape of the malefactors. The suggestion was then made that his highness would serve the cause of humanity and justice by ordering the most energetic measures to be taken for the apprehension of the robbers.

By a communication, No. 71235, June 13, 1883, his highness was good enough to answer the note of the legation, and give the pleasing intelligence that the governor-general had succeeded in discovering the goods taken from the two gentlemen, and that the robbers had been arrested and delivered up to justice. This information his highness reported as derived from the governor-general.

This report the legation found it necessary to correct, and for that purpose it addressed a second note to his highness the minister of foreign affairs, No. 179, dated September 10, 1883, declaring that the robbers had not been arrested, and that the goods and money taken from Messrs. Knapp and Reynolds had been returned to them, but in small parts. Under impression that it was yet possible to obtain the powerful assistance of the Sublime Porte in bringing the thieves and assassins to justice, the legation in the same note proceeded to give the full particulars of the affair, both those connected with the assault and those descriptive of the action of the governor-general. Of the assault, it remarked that Messrs. Knapp and Reynolds, accepting the assurance of the governor-general that the roads were perfectly safe, set out on their journey without a guard of zaptiehs. They put up for a night at a house where there was present Moreoussa Bey, son of Meza Bey, an influential Kurdish chief. When they took their coffee they failed to send a cup of it to the said Moussa, who, feeling himself insulted by the inattention, took four assistants and next day waylaid the gentlemen, one of whom, Mr. Knapp, they beat with clubs until they supposed him dead. Moussa Bey, with his own hand, cut down Dr. Reynolds, giving him ten cuts with a sword. The two were then bound and dragged into the bushes and there left to die. That there might be no excuse, such as that the murderers were unknown, the legation gave his highness the names of the subordinate assassins and their places of abode, Sherif Oglon Osmon and Iskan Oglon Hassan, both of the villege of Movnok. A third one was pointed out as the servant of Moussa Bey, living in the village of Kabiaa. Of the action of the governor-general the legation said further that when the affair was reported to him he made a show of action by sending zaptiehs to arrest the robbers, but, singular to remark, he selected Meza Bey, the father of Moussa, to take charge of the party. Going to the village of Auzont, Meza Bey pointed out four Kurds of another tribe as the guilty men, took them into custody and carried them for indentification to Messrs. Knapp and Reynolds, who said they were not the assailants.

During the night, in Aozou, a bundle was thrown through a window into a room occupied by the police, which on examination proved to contain a portion of the stolen goods. With this the governor-general rested from his efforts and dispatched to

his highness the minister of foreign affairs, that the stolen goods were recovered and returned, and the felons captured and punished. This report the legation took the liberty of informing his highness was not true, also that the chief of the assassins, Moussa Bey, was still at large; and to emphasize its statement, the legation further said to his highness that the details it communicated were current through all the region of Bitlis, having been first given out by Moussa himself. The legation then, in the same note, exposed the maladministration of the governor-general in language plain as respect for his highness, the minister, and for the Sublime Porte would permit, and suggested as the only means of accomplishing anything like redress that a brave, impartial officer be sent to Bitlis to investigate the conduct of the governor and take the affair in his own hands. "Such a step," it was added, "might serve to save the lives of many Christians," and it was further represented that "could the assassins be brought to just sentence it would unquestionably lessen the demand for indemnity which otherwise it would be the duty of the legation to present against the Imperial Government in this connection."

On November 7, 1883, the legation of the United States, by a third note, No. 184, communicated to his highness, the minister of foreign affairs, that the governor-general of Bitlis had confronted four persons with Mr. Knapp for identification, and that that gentleman had recognized Moussa Bey as one of those who had robbed and wounded him. The legation of the United States then expressed a hope that the minister of foreign affairs would give proper orders for bringing Moussa Bey and his companions in crime before the tribunals for trial.

Still later, on November 12, 1883, the legation of the United States addressed a fourth note, No. 185, to his highness, the minister of foreign affairs, detailing again the circumstances of the attempted murder of Messrs. Knapp and Reynolds, and representing the untrustworthiness of the governor-general by charging that Moussa Bey had already obtained from him assurances of immunity in the event of a trial and conviction.

His highness, the minister, was then requested that, if it was decided to maintain the governor-general at his post, orders be given for the transfer of the criminals to Constantinople for trial.

The three notes last named of the legation of the United States have not been answered by his highness, the minister of foreign affairs, except in a note, dated December 8, 1883, in which he is pleased to renew assurances based upon telegrams from the governor-general, which are utterly unreliable.

Wherefore, abandoning hope of justice through the governor-general of Bitlis, and the judicial tribunals of the empire, the legation of the United States finds itself compelled to change its form of application for redress, and demand of the Sublime Porte indemnity in behalf of Messrs. Knapp and Reynolds for the former £1,500, and for the latter, because of the more serious nature of his injuries, £2,000.

No. 416.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 318.] LEGATION OF THE UNITED STATES,
Constantinople, January 26, 1884. (Received February 20.)

SIR: The legation has been in receipt of several notes from his highness, the minister of foreign affairs, requesting to be furnished with lists of citizens of the United States resident in Constantinople and other parts of the Empire. Of these notes copies are transmitted as inclosures 1, 3, and 5, with translations numbered 2, 4, and 6. Understanding from other quarters that the movement for such lists will be extended to the whole country, dependent in a measure upon the nature of the replies received in response to these invitations, it occurred to me to draw a paper which might be taken as of general application, and a copy of it is accordingly forwarded for your information.

That the Sublime Porte has a design underlying the requests herewith inclosed, there is little doubt. The measure started against the colony of Jewish Americans in Palestine may be accepted as an indica-

tion of the nature of that design; and as in that measure the Sublime Porte appears disposed to take jurisdiction of questions concerning the validity of the naturalization of American citizens of foreign birth resident in its jurisdiction, it has seemed to me advisable to oppose such a claim in its inception.

Probably this is as good an opportunity as may present itself to remark upon the opposition which would appear the general rule to measures proposed by the Turks, not a few of which on their face, and, in fact, are reasonable and proper enough.

In the first place, it is to be always remembered that while the Christian powers have no hope of acquiring for their subjects in Turkey any new or additional privilege—political, social, religious, or commercial—the serious and persistent attempts to deprive those subjects of rights already conceded have driven the powers unitedly into a policy of defense, and that, simply speaking, is the meaning of these constant refusals of the overtures and assertions which come to them from the Sublime Porte. Secondly, confining observation to American interests exclusively, it will in most instances prove the case that we must resist measures set on foot by the Sublime Porte, not because the measures themselves are unjust, but because, if we consent to them and the other powers protest, it will follow necessarily that our people will be thrown into conditions of comparative disadvantage.

* * * * * * *

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 318.—Translation.]

Aarifi Pasha to Mr. Wallace.

CIRCULAR NOTE VERBALE.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, July 26, 1883.

It appears from a communication received from the Department of the Interior that foreigners living at Makrikeny refuse to allow themselves to be inscribed on the census register until their consulates invite them to submit themselves to the formality.

In bringing this fact before the legation of the United States of America, the ministry of foreign affairs begs it to be good enough to instruct whom it may concern so that the American citizens established in the locality above mentioned may no longer object to the census.

[Inclosure 2 in No. 318.—Translation.]

Aarifi Pasha to Mr. Heap.

CIRCULAR.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, December 16, 1883.

MONSIEUR LE CHARGÉ D'AFFAIRES:

To be able to answer with greater facility questions addressed to it by the different administrations concerning the nationality of foreign subjects who, to carry on their business, are obliged to establish their identity and their qualification, the bureau of nationality of my department asks to be put in possession of a list of foreign subjects living in Constantinople and the suburbs. I would therefore be much obliged if you would kindly have a list made containing the names of those under your jurisdiction and transmit it to the imperial ministry.

Accept, &c.,

A. AARIFI.

[Inclosure 3 in No. 318.—Translation.]

Aarifi Pasha to Mr. Wallace.

CIRCULAR NOTE VERBALE.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, December 19, 1883.

It appears from a recent report of the governor-general of Adrianople that the American consul in that city refuses to assist the commission charged with the inscription of foreign subjects residing in the province, until he receives formal instructions from his superior authorities to that end.

The formality in question being in the interest of foreigners, and as it will facilitate the expedition of their affairs and put an end to contestations of nationality, the ministry of foreign affairs thinks necessary to refer to the former communications on this subject, and has the honor again to beg the legation of the United States of America to be good enough to have the necessary instructions transmitted to its agent at Adrianople so that he may no longer object to the inscription of American citizens by the above mentioned commission.

[Inclosure 4 in No. 318.]

Mr. Wallace to Aarifi Pasha.

NOTE VERBALE.

LEGATION OF THE UNITED STATES,
Constantinople, January 25, 1884.

The legation of the United States of America has the honor to acknowledge the receipt of circular *notes verbales* from his highness the minister of foreign affairs relative to the inscription of American citizens resident in the empire.

The legation of the United States observes that his highness the minister of foreign affairs is pleased to remark that the inscriptions requested are formalities of interest to foreigners themselves, being essential to facilitate their business, and put an end to contests touching their nationality. The wisdom of the purpose stated is admitted by the legation of the United States, and to still further promote the very laudable object, I will be very happy to comply with the desire of his highness, the minister of foreign affairs, upon the conditions:

(1) That the Sublime Porte will consent that the persons whose names are inscribed in the lists as they may be returned to the legation by the several consuls of the United States of America for transmittal to his highness are in fact citizens of the United States of America, and that there shall be no contest about the citizenship of those inscribed on any of them by any official or before any tribunal of the Imperial Government after the lists are transmitted to his highness, the minister of foreign affairs.

(2) That a certificate of any consul or consular agent of the United States of America resident in the Empire, duly attested by his official seal, stating that the bearer of the certificate is a citizen of the said United States, shall be definitive proof of that fact and receivable as such for all intents and purposes by all officials of the Imperial Government of Turkey to whom they may at any time be presented.

The legation of the United States trusts that his highness the minister of foreign affairs will accept the conditions stated as equitable and just, inasmuch as they are designed the more certainly to promote the interest of every person inscribed, by referring the question of citizenship as a fact where it rightfully belongs—that is to the consuls and consular agents of the Government of the United States.

Upon receiving the assent of his highness the minister of foreign affairs to the conditions named, the legation of the United States will take pleasure in directing full lists of the kind requested to be immediately perfected, whereupon they will be at once transmitted to his highness, the minister of foreign affairs.

No. 417.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 322.] LEGATION OF THE UNITED STATES,
Constantinople, February 6, 1884. (Received February 25.)

SIR: I have the honor to forward a copy and translation of a communication from the Sublime Porte upon the subject of the attack upon Messrs. Knapp and Reynolds. It would seem to have been prepared before the reception of my note demanding indemnity, although it actually came to hand after that paper had been dispatched to his highness, the minister of foreign affairs.

It is in effect but a repetition of former notes, having no better foundation for its explanations and assurances than the reports of the governor of Bitlis.

His highness, the minister of foreign affairs, has not been to his office for more than two weeks. * * *

The last time I had the honor of an interview with his highness, the the minister of foreign affairs, he told me plainly that it had been resolved in the council of ministers to recall the governor of Bitlis. I pressed him to tell me when the order would be put in execution. He would give me no assurance or promise. From the note forwarded to you, it will be seen that the governor is still in office and that the Sublime Porte continues him in its confidence.

I have, &c.,

LEWIS WALLACE.

[Inclosure in No. 322.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, January 28, 1884.

Mr. ENVOY: I have received the note which Mr. Heap was good enough to address me the 13th December last, No. 190, relative to the attack of which Messrs. Knapp and Reynolds were the objects, in the vicinity of Ghuvrie.

I have not failed to communicate the matter to the minister of the interior, who has in response transmitted me the explanatory circumstances which the imperial authorities of the province of Bitlis have given him of the subject. As a result of the information which has been given them of the attack, the imperial authorities have shown the greatest zeal in investigating the affair. All the goods and effects stolen were immediately recovered and restored to their owners. At the same time the suspected persons found in the village where the said property was secreted have been arrested, but when confronted with Mr. Knapp, he having declared that he did not recognize them as his assailants, they were naturally turned loose. Later, upon the representation of the United States legation, Moussa Bey was arrested as the principal culprit; but upon being confronted in turn with Mr. Knapp, the latter declared that he had no grievance against him, and he was not recognizable by his associate, and that he had never made complaints against them. Nevertheless, orders have been sent to the imperial attorney at Van, that he ask of Mr. Reynolds, who is at present in that city, some explanations on the point. But as Moussa Bey could not be equitably committed on the deposition of Mr. Knapp, he was also turned loose under bail, conformably to the law.

The local authorities continue to exert all their efforts to accomplish the discovery and punishment of the guilty parties, who are sought for with all possible diligence.

In consequence of the explanations above given, I hope your excellency will be so good as to recognize in justice that the imperial authorities of the vilayet of Bitlis are exerting themselves all they can to fulfill their duties.

Kindly accept, &c.,

A. AARIFI.

No. 418.

Mr. Wallace to Mr. Frelinghuysen.

No. 327.] LEGATION OF THE UNITED STATES,
Constantinople, February 14, 1884. (Received March 5.)

SIR: I have the honor to transmit a copy of the instructions sent Mr. Merrill, United States consul at Jerusalem, for his government in the matter of American naturalized citizens resident in his consular jurisdiction whom the Imperial Government proposes to convert into Turkish subjects. See my dispatch No. 315, January 24 last.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 327.]

[Extract.]

Mr. Wallace to Mr. Heap.

LEGATION OF THE UNITED STATES,
Constantinople, January 4, 1884.

SIR: Your attention is respectfully called to the accompanying *note verbale* from the Sublime Porte, and you are requested to be so good as to send a copy of it to Mr. Merrill, the United States consul at Jerusalem, for his information. Touching the subject of the said note, you are also requested to instruct Mr. Merrill as follows:

There are three classes of persons to whom the note of the Sublime Porte may have application: First, a class claiming American citizenship who have not even taken out the first papers required of them by the law; second, a class asserting the claim who have gone so far as to take out the first paper renouncing their original allegiance. but there stopped; and a third class who have in every point perfected their naturalization as citizens of the United States.

If Consul Merrill finds within his jurisdiction persons claiming his protection who are fairly within the first of the classes given, he will inform them they have no claim upon him; if he finds any who are properly of the second class, he will examine their papers, take copies of them, and report upon their authenticity. Of this second class he will also inquire when they left the United States, how long they have been in Palestine, what business they are there engaged in, if any, why they came abroad, why they took up residence in Palestine, whether they intended to return to America when they left its shores, why they have not returned, and if they intend to return. He will keep record of their answers, together with all evidence of whatever kind he can procure for or against such intention. When his inquiries are concluded he will transmit a full report of everything pertinent to the subject to this legation through your consulate, the object being to refer each of such cases to Washington for consideration there. As to persons whom he may find of the third class, if they are orderly and going about their lawful business, whatever it be, they have a right to live there unmolested. This right is derived from the ancient capitulations, of late days reaffirmed by treaties existing betwee the two Governments; that for conveniency, rather than a yielding up of principle, the United States have in instances temporarily submitted to claims insisted upon by friendly Governments against naturalized citizens of the United States, formerly subjects of those friendly Governments, but who voluntarily returned and placed themselves under their jurisdiction; that as yet all such cases have been settled by amicable diplomatic arrangements; that the United States have never admitted the right of a foreign Government to decide upon or nullify in any manner the franchises conferred under its naturalization laws, much less have they sanctioned the extraordinary principle which appears for the first time enunciated by the Sublime Porte—that if a person naturalized in the United States, but resident in Turkey, has lost his original nationality, it having been other than Turkish, he becomes an Ottoman subject regardless of his American naturalization; that whatever ground in right this principle may have as respects naturalized American citizens formerly Turkish subjects, it cannot be permitted application to a naturalized American citizen originally the subject of a power not Turkish. In accordance with these views, Consul Merrill will be informed that all naturalized citizens of the

United States within his jurisdiction have a right to call upon him for protection, and that it is his duty to protect them. To that end he must, if necessary, exhaust the means usually of resort on such occasions.

* * * * * * *

Very respectfully, &c.,

LEWIS WALLACE.

No. 419.

Mr. Frelinghuysen to Mr. Wallace.

No. 153.] DEPARTMENT OF STATE,
Washington, February 23, 1884.

SIR: I have to acknowledge the receipt of your No. 317, of the 25th ultimo, relative to the case of the Rev. Mr. Knapp and Dr. Reynolds, murderously attacked by Kurds near Bitlis, and to say that, after a careful consideration of all the facts before the Department, the inaction of the governor of Bitlis and the failure of the supreme Government to force him to undertake such measures as the case evidently demanded, must be regarded as a denial of justice. While this Government is always averse to making money demands for indemnity in countries whose administration of justice may differ from our own, the Department feels compelled to resort to this remedy under circumstances which manifestly make the local officers and the Government of the Porte responsible for the failure to do justice in this case.

The action reported in your dispatch is, consequently, approved.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 420.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 337.] LEGATION OF THE UNITED STATES,
Constantinople, February 28, 1884. (Received March 21.)

SIR: I have the honor to transmit, for your information, a copy and translation of a communication received last night from his highness, the minister of foreign affairs, in reply to the portion of my note to the grand vizier, No. 201, pertaining to the demand in the case of Dr. Maurice Pflaum.

With my previous dispatches upon this subject on the files of the Department, and of easy reference, it is hardly necessary to particularly notice the points the worthy minister is pleased to dwell upon in the communication now transmitted. To one sentence, however, I beg permission to call your attention. Referring to Dr. Pflaum's alleged battery of a sergeant and corporal, his highness says:

This act falling within the purview of the law, the judicial authorities have necessarily to take hold of it, all the more that the Imperial Government cannot abandon the position it has always maintained in affirmance of the competency of the Ottoman courts in criminal causes. The meaning is very plain. It is a declaration of the intent of the Sublime Porte to give effect to its pretension with respect to Article IV of the treaty of 1830. Thus understood it is for the President to decide whether our view of that article is to be maintained or not.

Another point put forward by his highness is equally worthy of consideration. It will be observed he defends the assumption of the court at Axos to hear and condemn Dr. Pflaum in a criminal prosecution, there being no consular delegate present. This is done at the expense of the plain meaning of paragraph 10 of the protocol of 1874, concerning the right of foreigners to own real estate in Turkey. The "nine hours" provision, as it there appears, gives jurisdiction to the native tribunals for the trial of foreigners without the assistance of a consular delegate within limitations: first, for for actions (civil) not exceeding 1,000 piasters; and, second, for offenses (criminal) entailing a maximum fine of 500 piasters. Unfortunately Dr. Pflaum's sentence was imprisonment. To make the usurpation of the authorities of Axos still more glaring, they executed the judgment in violation of paragraph 13 of the same protocol, which says:

"In all cases the forcible execution of the judgments, issued on the conditions determined heretofore (§ 10), shall not take place without the co-operation of the consul or of his delegate.

The authorities imprisoned Dr. Pflaum without such co-operation, in fact, against the protest of the American consul.

These two clauses as always heretofore interpreted have formed most important defenses for Christians remotely resident from their consuls, and I am sure you will agree with me that good policy requires their steady maintenance against the assumptions put forth by his highness, the minister of foreign affairs.

My reply to his highness is inclosed by copy.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 337.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, February 27, 1884.

MONSIEUR L'ENVOYÉ: With my note of the 30th of September last, No. 722, 62, 32, I had the honor to inform your excellency that the question of Dr. Pflaum, an American citizen, had been submitted to the appreciation of the ministry of justice.

The answer of that department has arrived at the Sublime Porte, which has thought necessary to make it the object of a new examination.

The facts as disclosed by the inquiry to which it had been proceeded on the spot have been confined in the note of my department dated the 14th of August, No. 717, 14, 27. They establish to the evidence the wrongs of Dr. Pflaum, who, not being satisfied by having insulted the director of the tithes, ill-treated and beat a sergeant and a corporal, wounding also the latter, while they were in the discharge of their duties. This act falling under the thumb of the law, the judicial authority had to take it up, so much the more that the Imperial Government cannot abandon the point of view to which it has always placed itself to affirm the competency of the Ottoman tribunals in penal matters.

If, however, the court of Axos has tried Dr. Pflaum in the absence of a consular delegate, the reason of this is that no consulate was to be found in the vicinity, that is to say, within a distance of nine hours from the place where the acts laid to his charge took place—a circumstance that, in conformity with the dispositions of the protocol annexed to the law of the 7th September, 1284, gives within some limits to the local authorities the right to have a foreigner tried without the assistance of the consular delegate. It is true also that the protocol appealed to does not grant the right of trial without any consular assistance except in cases where the committed contraventions would not carry but the condemnation to a fine of 500 piasters maximum.

With that the minister of justice is of opinion that the administrative authority having no quality to intervene in the action of the tribunals, the independence of which is solemnly consecrated by the laws of the country, Dr. Pflaum may on the

basis of the same protocol make an appeal before the court of the sandjak against the judgment given by the court of Axos and get himself attended by a delegate of the consulate to which he belongs.

On its side my department will renew its correspondence with the competent ministry in order to apply to the official who should be found in fault in this affair such measure of punishment as he shall have incurred by his conduct.

I hope the decision arrived at will satisfy your excellency.

As to according Dr. Pflaum a pecuniary indemnity, the Imperial Government cannot recognize such a claim, judicial redress being open to him, as I had the honor to state above. It is the duty of the judicial authorities to examine all the circumstances of the case and for them to give a final decision; besides, in penal causes, there is no legal provision giving a private individual, who feels himself injured, the right to claim pecuniary indemnity from the state.

I hope your excellency will kindly appreciate at their true value the preceding considerations.

Please accept, &c.,

A. AARIFI.

[Inclosure 2 in No. 337.]

Mr. Wallace to Aarifi Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, February 27, 1884.

HIGHNESS: In acknowledging receipt of your note of this date, No. 73708, 6, in reply to so much of the communication which I had the honor of delivering to his highness, the grand vizier, as pertained to my demands in behalf of Dr. Pflaum, I beg permission to state some objections to certain positions which it has pleased you to assume therein.

The declaration you indulge respecting "the competency of the Ottoman courts in criminal cases," while carefully noted, is sufficiently covered by former protests of my Government.

Your highness also defends the assumption of right to try and condemn Dr. Pflaum on a criminal charge in the absence of an American consul or delegate, resting the claim of right upon paragraph 10 of the protocol of 1874, regulative of the holding of real property by foreigners in Turkey. You will permit me to object to your interpretation of that paragraph. If it be true that Axos is nine hours distant from the nearest American consular agency, still Dr. Pflaum's case was not a civil action, nor was it an offense (criminal) entailing a maximum fine of 500 piasters. The court sentenced him to imprisonment, and in doing so was guilty, in my opinion, of a flagrant usurpation. Nor did the misconduct stop at that; in violation of paragraph 13 of the same protocol, the authorities proceeded to a forcible execution of the judgment against Dr. Pflaum "without the co-operation of a consul or of his delegate."

These, I beg to say, are the essential abuses complained of in the case by this legation.

I await, &c.,

LEWIS WALLACE.

No. 421.

Mr. Frelinghuysen to Mr. Wallace.

No. 157.] DEPARTMENT OF STATE,
Washington, February 29, 1884.

SIR: Your dispatch No. 318, of the 26th ultimo, reports the several requests addressed to you by the Porte looking to your intervention to secure an official census registry of citizens of the United States in certain parts of the Turkish dominions, and acquaints me with your reply of January 25, in the form of a *note verbale* sent to the imperial ministry for foreign affairs.

I readily comprehend the difficulties pointed out in your dispatch, which lie in the way of prompt accession to these apparently simple and

practical requests. In addition to these, however, most of which, as you rightly explain, concern only the peculiar relations with the Government of the Porte which spring from the capitulations and from the radical differences of administrative methods in the two countries, there is another consideration, general in its application, which this Government has found it necessary to insist upon in its dealings with certain of its neighbors, notably Mexico, and which might arise with Turkey, if it be admitted that we are under an obligation to cause a registry of our citizens abroad to be made. While such registry may be convenient in the relations of countries, it cannot be admitted as a determination of the question of citizenship. Failure to register should not exclude the party from opportunity to show his citizenship by competent proof; and a Government which has failed through any cause to procure the registry of one of its citizens in the consular list can under no circumstances be deemed to have thereby barred its citizen or estopped itself from the diplomatic resort in case of wrong being done to him.

Hence this Government abstains from any action which might imply an obligation on its part, or on the part of its officers, to furnish any foreign Government with lists of those whom it will, in a given emergency, protect as citizens. The laws of the foreign state may require some form of registration. In such a case, although it is no part of the duty of our officers abroad to execute the local police regulations with regard to their fellow-citizens, we place no obstacle in the way; on the contrary, where such local registry requires the production and filing of a consular certificate independent of or supplementary to a regular passport, our regulations permit the issuance of such a certificate. (Consular Regulations, 1881, paragraph 163.)

These being the views of this Department, I cannot entirely approve your proposition to the minister of foreign affairs. Your first condition prescribes the unquestioned recognition of the citizenship of any person borne on the consular lists as transmitted by the legation to the foreign office, which may imply a responsibility on our side to perfect such lists, and a disability on the part of any omitted citizen to prove his status or claim diplomatic redress.

Your second condition asks that a consular certificate shall be accepted by Turkish officers everywhere as conclusive proof of the fact of citizenship. It does not appear from the correspondence you transmit that the Turkish authorities request the issuance of such certificates, or that the exhibition of a regular passport is not entirely sufficient to comply with their police requirements. Statute and regulations are alike clear in inhibiting the granting or issuing of any instrument in the nature of a passport as a substitute therefor. As the issuance of the certificates you suggest does not appear to fall within the exception contemplated by section 163 of the Consular Regulations of 1881, and does not appear to be made dependent upon the possession of a passport, it is thought that it would prove an embarrassing irregularity to prescribe the issuance by the several consuls and consular agents in Turkish dominions of an independent certificate of citizenship for which it would seem that the same immediate respect is to be claimed as is usually paid to a formal passport.

The true principle would appear to be to regard local registration as a police requirement, which it is not our concern to perfect or in any way to make conclusive against any unregistered citizen. In the provinces our consuls may counsel their fellow countrymen to register as required; in Constantinople you may, for convenience sake, furnish a list of American residents there, so far as known to you. For all pur-

poses of protection a passport should suffice as *prima facie* evidence of citizenship and identity. If required, a consular officer's certificate in the Turkish language may supplement a passport, and be entitled to consideration.

With these explanations you will have no difficulty in remodeling your proposition to the minister of foreign affairs, especially if, as is not unlikely, an indisposition should be manifested to accept your proposition *in toto*.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 422.

Mr. Wallace to Mr. Frelinghuysen.

No. 340.] LEGATION OF THE UNITED STATES,
Constantinople, March 1, 1884. (Received March 21.)

SIR: I have the honor to forward a copy and a translation of a note received from the minister of foreign affairs, declining the redress demanded of his Government in the cases of Messrs. Knapp and Reynolds.

You will please excuse a remark explanatory of a point in my telegram to you, dated yesterday. I say therein, "Indemnity and punishment refused in each case." In reading the inclosed reply of the minister you may possibly be attracted by his repeated references to the action of the judiciary tribunals of Bitlis. That, I beg to say, is nothing. The tribunals of that province cannot be relied upon to do justice. They have been already fully appealed to in these cases. To refer us to them is simply a refusal of redress. In that view I telegraphed you.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 340.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, February 27, 1884.

MONSIEUR L'ENVOYÉ: I have had the honor to receive the note your excellency kindly addressed to me on the 24th of January last, No. 198, relative to the aggression Messrs. Knapp and Reynolds have been subjected to in the vicinity of Ghuvrié.

Whichever may be the contradictions which exist between the information which has reached the legation of the United States and that furnished to us by the imperial authorities of the vilayet of Bitlis, your excellency will permit me, before knowing the result of the correspondence in which I have engaged upon this subject with the competent ministry, not to desist from the affirmations of the local authorities which have insisted over and over again that they have fulfilled their duties since the beginning, and if the culprits have not yet received their punishment it is not their fault, as they have given to this affair a continued attention and vigilance.

The justice being busy with the case, it is of necessity to let it have its regular course, and if there are some delays, evidently the fault should not be thrown upon the authorities.

In fact, your excellency will kindly admit that in all the countries of the earth, often the circumstances amidst which occurrences of such a kind take place, and the difficulties which are most of the time inherent, place the justice in the impossibility of deciding with all the promptitude and celerity desirable. It has never been disputed that its duty is to surround itself with the greatest precautions to bring the

light so as not to have later to reproach itself with the fatal consequences of a judicial error.

I can but beg your excellency to be kind enough to leave to the competent authorities the care of doing their duty. You may be assured that we will do all that is possible for us to do in order to put an end to the contradictions which subsist between the information furnished on both sides, and to accelerate the course of the affair, within the limits, however, which the independence of the judicial power imposes upon us.

For all these reasons the demand for indemnity presented by your excellency cannot be taken in consideration; the more so as the laws of the Empire in no case permit it.

I am in the firm hope that in your enlightened sentiment your excellency will recognize the justness of the preceding appreciations.

I avail, &c.,

A. AARIFI.

No. 423.

Mr. Wallace to Mr. Frelinghuysen.

No. 350.] LEGATION OF THE UNITED STATES,
Constantinople, March 12, 1884. (Received March 31.)

SIR: I have the honor to forward for your information a copy and translation of a communication received yesterday from the Sublime Porte relative to certain persons in Jerusalem claiming to be naturalized citizens of the United States, but whose claims the Sublime Porte could not recognize.

The subject is fully disclosed in my dispatch to the Department, No. 315, dated January 24, 1884.

The explanation given by the minister of foreign affairs in the present paper will doubtless be satisfactory, and serve to remove the idea that the Sublime Porte was contemplating assumption of a right to decide upon questions of Amercan naturalization.

To prevent possible complications between the imperial authorities of Jerusalem and Mr. Merrill, our consul there, and especially to reserve to the latter the decision of claims of right to his protection, I have thought it best to send him the additional instruction referred to in my reply to the minister of foreign affairs, a copy of which is also herewith inclosed.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 350.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, March 11, 1884.

MONSIEUR L'ENVOYÉ: I received the note your excellency did me the honor to address me on the 24th of January last, No. 196, in answer to the *note verbale* of my department, dated January 22, No. 73375, 1, relative to some individuals, formerly Russian subjects, who would seem to be trying to place themselves under the protection of the United States consulate at Jerusalem.

The observations your excellency makes in connection with this question renders it my duty to return to the import and the real meaning of my communication.

The imperial ministry had no intention of generally discussing the question of naturalization or foreign nationality. Its intention was neither to contest the validity of the naturalization obtained in the United States by persons who are not of Turkish origin nor to establish a control on the change of nationality effected in this way by them. Still less had it the idea of questioning the status of real American citizens residing in the territory of the Ottoman Empire.

The object of the above-mentioned note was simply to call the attention of the United States legation to the particular and altogether irregular case of some persons, formerly Russian subjects, who left their country to come and establish themselves at Jerusalem, and who, without ever having been in America, claim the privileges of American citizens. In disputing the right, these individuals have conferred upon themselves, the Sublime Porte rests on the incontestable principle everywhere recognized in matters concerning change of nationality.

Any individual who desires to renounce his original nationality and become the subject or citizen of another state, must have emigrated from his native country and have established himself in the country which in future is to become his adopted country.

This has not been the case with the former Russian subjects mentioned in the note of my department.

They have at no time made a sojourn in the United States, and the naturalization they claim to have obtained being but *fictitious* and *delusive* the Sublime Porte cannot recognize them. The Imperial Government considers any inhabitant of the Empire who does not belong to another country, or has ceased to have another nationality, as a Turkish subject, and must regard any foreign naturalization of such individuals, when obtained during their residence in the Ottoman Empire, as irregular and fictitious.

I am pleased to hope, Monsieur l'Envoyé, that the above explanations will suffice to clear away any misunderstanding which may have arisen from my preceding communication, and will give your excellency to understand the motives for which the Imperial Government must continue to consider as Turkish subjects the former Russian subjects mentioned in the preceding *note verbale* from my department.

Accept, &c.,

A. AARIFI.

[Inclosure 2 in No. 350.]

Mr. Wallace to Aarifi Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, March 12, 1884.

HIGHNESS: I have the honor to acknowledge receipt of the note No. 73820, 10, and dated March 11 instant, which you kindly addressed to me relative to certain persons, formerly Russian subjects, and at present in Jerusalem, claiming to be United States citizens, but whose naturalization you impeach on the ground that they have never been in the United States.

I hasten to thank your highness for the very clear explanation given in the present note, and to say that I will take pleasure in immediately forwarding it to the authorities of my Government.

I will also cause it to be communicated to the American consul at Jerusalem.

By reference to my note No. 196, January 24 last, your highness will observe the classification there given of persons who might be at present in Jerusalem claiming to be naturalized citizens of the United States of America.

The first class is of those who have no ground for such claim, not having taken out the first paper required of them by the law.

These the consul is instructed to inform that they have no right to protection by my Government; and following the present note of your highness it will be my duty to further instruct the American consul at Jerusalem to furnish his excellency the governor of Jerusalem with a copy of the list of persons whom, upon investigation, he discovers to be fairly within the definition of the said first class.

I avail, &c.,

LEWIS WALLACE.

No. 424.

Mr. Wallace to Mr. Frelinghuysen.

No. 353.] LEGATION OF THE UNITED STATES,
Constantinople, March 22, 1884. (Received April 8.)

SIR: I have the honor to inclose herewith a copy and translation of a communication from the imperial ministry of foreign affairs, No. 73964, 11, relative to Messrs. Knapp and Reynolds.

Availing myself of the first opportunity to see his highness, the minister, last Thursday, I directed his attention to the business and begged to know of him if the authorities were doing anything to accomplish the punishment of Moussa Bey. While the conversation was in progress he sent for the note, which is inclosed by copy, and delivered it to me. The communication will doubtless be read with interest. The impression it produced upon me was such that, speaking in moderation, I will be more than ever surprised if Moussa Bey is brought to trial. It would seem that he was discharged from custody, and that now the greatest exertion is being made to accomplish his rearrest.

The remark that I know the circumstances which prevented the detention of the Kurd, is a reference to the assertion of the governor of Bitlis, heretofore reported to you, that when Mr. Knapp was confronted with the man he failed to identify him, an assertion in which I have not the slightest faith.

Whatever my own views of the outcome of the new effort to secure Moussa Bey and punish him may be, I beg you to be assured that your instructions are received as definitive of my duty.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 353.—Translation.]

Aarifi Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, March 20, 1884.

MONSIEUR L'ENVOYÉ: By my note of the 27th of last February, No. 73709, 7, I had the honor to assure your excellency that the imperial authorities would continue to make every effort to accelerate the progress of the Knapp-Reynolds affair.

Your excellency knows the circumstances which prevented our keeping Moussa Bey and the other prisoners under arrest.

A telegram received to-day from the governor-general of the vilayet of Bitlis, addressed to the ministry of the interior, says that in consequence of further orders given by the competent authorities agents have been dispatched to all parts of the province to pursue and arrest these individuals.

Your excellency will notice by the preceding that nothing has been neglected in order that justice may take its natural course promptly. I shall, moreover, keep you informed of all communications we may receive on this subject from the authorities of Bitlis.

I seize, &c.,

A. AARIFI.

No. 425.

Mr. Frelinghuysen to Mr. Wallace.

No. 162.] DEPARTMENT OF STATE,
Washington, March 25, 1884.

SIR: Your No. 315 of January 24 last, inclosing the correspondence between your legation and the Turkish Government touching certain persons of Russian origin claiming to be American citizens domiciled in Palestine, has been received, as also your No. 327 of February 14.

It would appear that those persons have been declared by the Russian consular representatives to have lost Russian citizenship, and it is

understood to be the claim of the Turkish Government that by the fact of so ceasing to be Russians they, being within Ottoman jurisdiction, become subjects of the Porte, thus ignoring their claim to American citizenship.

Your note to the minister for foreign affairs as to the rights of fully-naturalized citizens is approved. The Department reserves to itself, however, the decision of ultimate measures of protection in such cases if ordinary steps are unavailingly exhausted, which is, of course, not to be anticipated.

A decision as to the second class of persons possibly claiming the protection of the United States, as set forth in your note, viz, those who may have declared their intention, is reserved until the consul's report called for by you shall be received, although it may be said now that so far as it may concern persons of an original allegiance other than Turkish the declaration of intention is not of itself a renunciation of original allegiance, but simply a record of declared intention to renounce such allegiance on becoming a citizen of the United States. While, as an abstract question, they continue, from one point of view, to be, for example, Russian subjects, they acquire by such declaration of intention, a quasi-right to protection as against the claim of a third power to their allegiance. This Government could not, in that case, admit that persons of the second class became Turkish subjects because they intended to throw off Russian allegiance at some future day. We would hold in case of dispute on this point that they retain a future right to perfect their naturalization in conformity with our laws.

As to the first class, your view is approved. No one can be lawfully naturalized outside of American jurisdiction.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 426.

Mr. Frelinghuysen to Mr. Wallace.

No. 168.] DEPARTMENT OF STATE,
Washington, March 26, 1884.

SIR: I have received your dispatch No. 340, of the 1st instant, stating that the Government of Turkey has refused the demands of your legation in the cases of Messrs. Knapp and Reynolds, and I have to say that our recent instruction shows the attitude this Government maintains with reference to those claims. As you have already been advised, the Turkish minister here has been informed that we do not admit that the court at Bitlis has done its duty. In renewing, as was done, demand for the arrest and trial of Moussa Bey, we sufficiently imply our inability to regard the proceedings at Bitlis, on which the Porte relies for justification, as other than a denial of justice, which, under international law and usage, is a legitimate subject of complaint and redress through diplomatic channels.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 427.

Mr. Frelinghuysen to Mr. Wallace.

No. 169.] DEPARTMENT OF STATE,
Washington, March 27, 1884.

SIR: I transmit herewith for your information the inclosed copies of dispaches No. 67, of January 18 last, and No. 323, of the 5th ultimo, from our consul at Beirut, Syria, and consul-general at Constantinople, in relation to the difficulties encountered by American citizens and graduates of the American college at Beirut in their endeavor to practice their profession in the Ottoman Dominions.

To some extent the onerous and unjust discriminations of the Turkish authorities in respect of this general subject are familiar to your legation, the case of the late Dr. Calhoun being a recent one in point.

In that case, where it was sought to impose unreasonable restrictions in regard to Dr. Calhoun's medical practice, the Department endeavored to secure for him only such treatment in respect to his examination as was enjoyed by medical practitioners, citizens or subjects of other countries, residing and practicing in Turkey. So, too, in the present instance, where the cases are practically the same, we ask only fair and impartial treatment for our citizens who desire to follow their profession in that country.

It is difficult to believe that the Turkish Government would knowingly permit its local authorities to so unjustly discriminate against American medical practitioners. This is the more singular and to be regretted when it is remembered that our citizens have been regularly graduated from the college at Beirut, a chartered and trustworthy institution, having authority to confer such diplomas, and in view of the undoubted statement that no such exactions as are sought to be imposed upon our citizens are attempted or enforced against medical practitioners of other nationalities, even when they have not followed any prescribed course of study. Yet this is precisely the situation as represented by Mr. Robeson, whose strenuous efforts have unfortunately been thus far unavailing to stop or prevent so unjust a discriminatory practice. Nor, I regret to add, so far as Mr. Heap's knowledge goes, have those which have been put forth by the legation or consulate-general for the relief of our citizens in such cases been hardly more satisfactory, notwithstanding the orders and promises of the Turkish Government. The faculty of the college at Beirut now hope for one of the following privileges:

First. A charter as an independent medical college, with power to grant legal degrees in medicine and surgery.

Second. The privilege of granting degrees in medicine and surgery, which, to be legalized, shall be forwarded to Constantinople through the American minister or consulate-general, to be signed and sealed by the Imperial College officials.

Third. Failing in either of these, the appointment of an examining board of Government physicians in Beirut or Damascus with power to grant a certificate to the graduates of the American college after they have passed a satisfactory examination before the said board, which certificate shall authorize the holder to practice medicine anywhere in the Ottoman Empire.

These propositions appear reasonable and just, and any one of them, if adopted, would doubtless afford a practical and satisfactory solution of the present difficulties surrounding American medical practitioners

in that country. In the opinion of this Government, therefore, the Government of Turkey should be willing to grant one or the other of these privileges and enforce a compliance with its orders by the local authorities throughout the Empire.

The inclosed correspondence will enable you to fully and carefully present this subject to the Government of the Porte. This you will accordingly do, and endeavor to obtain through the adoption of one of the courses suggested above, or some other equally satisfactory method, recognition of the competent diplomas issued by the American college at Beirut to its medical graduates.

This Government is disposed to admit that every country has the right to prescribe the mode of recognition of medical practitioners within its borders. While granting this, it is only reasonable to expect, therefore, that any regulations governing in such cases should be fair and impartial and not discriminate in favor of any one nationality. All that is demanded in the interest of our citizens is that the rule adopted shall be uniform and without any practical discrimination against duly graduated American practitioners. Common justice and international intercourse alike suggest that no other course should be recognized or permitted.

You will give this subject your earnest consideration, and, if possible, press it to an early and equitable conclusion.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure 1 in No. 169.]

Mr. Robeson to Mr. Adee.

No. 67.] CONSULATE OF THE UNITED STATES,
Beirut, January 18, 1884. (Received February 23.)

SIR: I respectfully beg to submit for your kind consideration and such action as you may deem proper in the case a few statements regarding the difficulties under which the American Medical College in Beirut, the graduates, and Americans who wish to practice medicine in this part of Turkey labor, with the earnest hope of Americans in general, and the medical fraternity in Syria in particular, that the Department may use its best influence with the Sublime Porte to secure for them due consideration and fair treatment.

The medical department of the American Protestant College at Beirut was established in 1867, under the general law of the State of New York, the board of trustees consisting of the following distinguished and philanthropic gentlemen: William A. Booth, William E. Dodge, David Hoadley, Simeon B. Chittenden, of New York; Abner Kingman, and Joseph S. Ropes, of Boston, Mass. In 1870, before the first class was ready to graduate, application was made to the Sublime Porte, through the American minister, Mr. MacVeagh, for an authorization to the college by the Ottoman Government to confer medical diplomas which would be legal in Turkey. The Porte referred this question to the imperial faculty of medicine in Constantinople, which body declined to allow any school or examining body but its own to confer diplomas in medicine, but promised to recognize the Beirut school as a qualifying body, and to admit its students to examination without further preparation. The Porte promised further to defray the traveling expenses of the students, and to lodge and board them in the imperial school pending their examination. Our minister, Mr. MacVeagh, advised the college to accept this offer for the time being, assuming that it was made in good faith, and pointing out the difficulty and even impossibility of the Government's overriding the decision of its own medical faculty unless it were proved incapable or corrupt in carrying out its decision. In no case, however, although frequently applied to by indigent students, has the Government afforded the slightest aid to any student in going or returning nor given them board and lodging, as promised. Soon after the announcement of this decision the Ottoman Government began to send menacing communications to the college and stringent orders to the governments of Syria and Lebanon for the prevention of the unlicensed practice of medicine. During the last

two years there has been a disposition on the part of the Turkish authorities in Syria to enforce the regulations that require all persons to present their diplomas in person and undergo an examination before the Imperial Medical College at Constantinople before being permitted to practice medicine in Turkey.

No one will deny the right of the Turkish Government to pass such laws, but the strange part of the laws and regulations regarding this matter is that they have been only enforced against American citizens who hold diplomas from American colleges and natives who have graduated at the American college in Beirut. No German, French, English, Italian, Austrian, nor any other foreigner practicing medicine has in any instance been molested by the Turkish authorities in Syria, while American doctors have been harassed, insulted, prohibited from practicing, and forced to go to Constantinople to pass an examination before the board of the Imperial Medical College there.

At the request of Mr. Heap, United States consul-general at Constantinople, I collected and furnished him during July last, at considerable trouble and expense, with a list of the names and residences of four hundred and eighty-two doctors practicing medicine in my consular district. I find that over four hundred of the number have no diplomas from the Imperial Medical College at Constantinople, mostly natives, and over three hundred have no diplomas from any college, never having studied medicine. I have called the attention of the governor-general of Syria to these facts, but no notice has yet been taken of the subject, nor is it likely that any will be given by the Turkish authorities to the matter. Dr. Skandarani, the chief municipal and sanitary physician of Damascus, the second city in the Empire, has never studied in any medical school, nor has he a diploma from any educating body. It is impossible for these ignorant native practitioners to pass an examination before a medical board, but no one here believes that they will be prohibited from practicing or in any way molested by the Turkish authorities. They may get diplomas, however, by paying the required fee, 7 Turkish pounds. In 1877 Dr. Post, of the faculty of the medical college of Beirut, spent several months at Constantinople endeavoring to obtain more favorable conditions for the graduates of the college. He received promises, but these pledges have been entirely ignored by the Imperial College. I am informed that in every case the candidates from Beirut college proved themselves capable of passing the examination at Constantinople, and, though they have been subject to many annoyances, they finally received diplomas which made no mention, however, of their studies in the American school at Beirut, but their Beirut college certificates have been confiscated. Drs. Bliss, Van Dyck, Post, Dennis, and other Americans have devoted many years of their lives to establishing the Protestant Medical College in Beirut, while large sums of money have been spent in buying ground and erecting suitable buildings, which are second to none in the country; but all this will prove comparatively futile unless proper concessions be granted to the college by the Ottoman Government. The instructions have lately been changed from the Arabic language to English in the medical department. The college is in a flourishing condition, having two hundred students, a considerable number of whom are studying medicine. The faculty request and hope for one of the following privileges:

(1) A charter as an independent medical college, with power to grant legal degrees in medicine and surgery.

(2) The privilege of granting degrees in medicine and surgery which, to be legalized, shall be forwarded to Constantinople through the American minister or consul-general, to be signed and sealed by the Imperial College officials.

(3) Failing in either of these, the appointment of an examining board of Government physicians in Beirut or Damascus, with power to grant a certificate to the graduates of the American college after they have passed a satisfactory examination before the said board, which certificate will authorize the holder to practice medicine anywhere in the Ottoman Empire.

The course of instruction and standard of examinations in the college will be seen, from the inclosed catalogue, to be thorough, and the many graduates of the college now engaged in Government service or occupying high positions as private practitioners in the east have established its reputation on a firm basis.

Mr. Heap, our consul-general at Constantinople, has endeavored to get the Imperial Medical College to accept the diplomas of Americans who desire to practice medicine in Turkey (without having the parties appear in person to undergo an examination before the Imperial College), and after having their diplomas registered, to grant them permission or license to practice medicine in the Ottoman Empire, but in this he has not succeeded. It is in the interest of Americans in this part of Turkey and the American Medical College here that I have presumed to address you this dispatch, with the sincere hope that the Department of State may use its best influence with the Sublime Porte to have it grant one of the three privileges desired by the American Protestant Medical College in Beirut.

I am, &c.,

JOHN T. ROBESON,
Consul.

[Inclosure 2 in No. 169.]

Mr. Heap to Mr. Adee.

No. 323.] CONSULATE-GENERAL OF THE UNITED STATES,
Constantinople, February 5, 1884. (Received February 23.)

SIR: Referring to Mr Robeson's dispatch to the Department of State, No. 67, dated January 18, 1884, inclosed herewith, I beg to say that what he states in regard to the examination and licensing of the graduates from the American College of Medicine at Beirut deserves the earnest consideration of the Department. The efforts made here, whether by the legation or the consulate-general, to obtain some relaxation of the stringent rules of the faculty of medicine in their favor have been unsuccessful. It is true that no difficulty has been experienced in obtaining the license to practice when the candidate has presented himself for examination with a diploma duly certified to by the consul-general, whether it was granted by the college at Beirut or a medical college in the United States, and upon payment of the established fees to the Turkish faculty. The Porte appears to have taken stringent measures to prevent unauthorized persons from practicing in the provinces; but these measures do not seem to have been attended with success.

If a decree were obtained recognizing the validity of diplomas issued by the American college at Beirut, after registration here, without the presence of the candidate, and after the payment of the fees, which we have reason to believe is the principal concern of the College of Medicine of Constantinople, the ground of complaint would be lessened.

The examination or *colloquium* is a mere formality.

It may be well to state that no fee is charged at this consulate for the certification of diplomas.

I am, &c.,

G. H. HEAP,
Consul-General.

No. 428.

Mr. Wallace to Mr. Frelinghuysen.

No. 357.] LEGATION OF THE UNITED STATES,
Constantinople, March 28, 1884. (Received April 14.)

SIR: I have the honor to acknowledge receipt of your dispatch No. 157, of February 29, 1884, relative to my note to the Sublime Porte offering to accede to its request for lists of American citizens in Turkey upon conditions named.

The views you were pleased to present therein in support of objections to the concession as proposed, are certainly unanswerable, and while it is true that it was not in my mind to make a consular certificate of citizenship take the place of a formal passport, or leave the list furnished by the legation determinative of all who might be entitled to protection as citizens, the points you present have given me new light upon the subject. In fact my faith in the possibility of gaining the object aimed at—reservation to consuls of right to determine questions of citizenship to the exclusion of Turkish authorities—is so shaken by your paper that instead of remodeling my note, as you kindly suggest, I have taken the liberty of altogether withdrawing the proposals presented to the Sublime Porte. The note of withdrawal is herewith inclosed.

Being satisfied that this is at least the safest course, I venture to hope it will meet your approval.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 357.]

Mr. Wallace to Aarifi Pasha.

NOTE VERBALE.

LEGATION OF THE UNITED STATES,
Constantinople, March 27, 1884.

THE IMPERIAL MINISTRY OF FOREIGN AFFAIRS:

The legation of the United States of America had the honor to acknowledge the receipt from the imperial ministry of foreign affairs of a circular note relative to the inscription of American citizens resident in the Empire and to assure the said ministry of its willingness to comply with the desires expressed therein upon certain conditions.

The reply of the legation is contained in a *note verbale*, No. 199, bearing date January 25, 1884.

The legation begs to say now that further consideration of the subject has disclosed the great inconveniency, if not absolute impossibility, of such compliance, due regard being had to the laws of the United States, to regulations of long standing thereunder, and to a prudent conservatism with respect to rights of American citizens in the imperial dominions.

The legation of the United States therefore withdraws its offers contained in the said *note verbale*, No. 199, and defers conclusions on the subject.

The imperial ministry of foreign affairs not having as yet signified acceptance of the conditions proposed by the legation, it may be presumed that the deferment herein announced will not be provocative of any inconvenience.

No. 429.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 358.] LEGATION OF THE UNITED STATES,
Constantinople, March 28, 1884. (Received April 14.)

SIR: Referring to your telegraphic instruction relative to compromising the petroleum concession dispute, it will be recalled that a compromise, if effected, was to be without special advantage to dealers in the Russian article.

Acting under the instruction and pursuing the line of conduct indicated in my dispatch to the Department, No. 351, I have the honor now to forward a copy of a note transmitted to the Sublime Porte day before yesterday, and to remark that it is identical with a note delivered at the same time by Mr. Nelidow, the Russian ambassador.

You will please observe that while the paper is quite energetic in tone, it nevertheless leaves a door open to compromise upon the basis to reduction of storage charges. That in fact is the end aimed at by the identic presentment. A proposition to settle without some new and decided turn given the affair would have been simple waste of time. Moreover, a compromise, if accomplished now, will be with the Russians conjointly, and upon terms of absolute equality. I could see no better mode of obtaining this latter point, and of putting an end to sales from the decks of small vessels, a practice so ruinous to our interests, than by square co-operation with my colleague in the manner here indicated.

* * * * * * *

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 358.]

Mr. Wallace to Aarifi Pasha.

NOTE VERBALE.

LEGATION OF THE UNITED STATES,
Constantinople, March 24, 1884.

The legation of the United States had the honor to repeatedly declare most emphatically, by its notes and verbally, that it could not accept the views of the Sublime Porte relative to the right of monopoly granted to the depots of petroleum of Sami Bey, at Tchiboukei, and to the taxes levied on this account by the concessionary.

The United States legation in demonstrating that the taxes in question constituted an onerous charge on the commerce of petroleum and gave rise to just complaints on the part of American importers, requested amongst other things that the company of Sami Bey be required to reduce them to an equitable rate, failing in which the legation of the United States reserved to American importers to avail themselves of the right to establish their own depots in conformity with the exigencies of public security, without prejudice, however, to the question of indemnities to be claimed for the exhorbitant dues arbitrarily exacted of them.

Until now, notwithstanding the importance of this question as regards the commercial interests involved. no sufficient answer has been given by the Sublime Porte to the legitimate complaints of the legation, nor has it been informed of the result of the deliberations of the commission *ad hoc* appointed at the Sublime Porte, although it has made its report some time since.

The legation of the United States cannot insist too earnestly on the urgency of regulating, without further delay and in a satisfactory manner, this question whose international character is so clear; in fact, the régime to which the commerce in petoleum is now subjected is a direct violation of the stipulations of the treaties and the capitulations in vigor, in virtue of which articles of importation into Turkey are liable to a fixed customs duty only and cannot be subjected to any other imposition. The Sublime Porte will be pleased to acknowledge that the motive for the storage of petroleum, which is an inflamable matter, being altogether for considerations of public security, should not be made a source of revenue for the state, and still less for a private company. Therefore the tax levied on this account should be in strict proportion with the expenses of installation and the maintenance of the depots.

Any sum levied over and above the amount necessary for this purpose constitutes an absolutely illegal charge. Such is manifestly the case as regards the tax collected by Sami Bey, which, according to the data collected by the legation, amounts to nearly the treble of the sum to which he might claim to cover his expenses and have a reasonable profit.

As regards the article of the regulation of the port of Constantinople prescribing the storage of petroleum in a depot fitted up with a view to public security, it cannot be quoted in support of the pretension of Sami Bey, as it was only with the consideration in view that the representatives of the powers gave their assent to that article, and most assuredly it was not with the intention of creating a new source of taxes and an onerous monopoly for commerce.

Therefore, and considering the increasing importance of the commerce of petroleum for the United States, it is the duty of the United States legation to protest against the present state of things, which is unjust as it is injurious to the interests of its commerce, and to demand prompt redress for the losses it has sustained.

In case the Ottoman Government should not, without delay, cause the taxes collected by Sami Bey & Co. to be reduced to an equitable rate, to be established in concert with the powers interested, the American legation will find itself under the necessity of insisting upon the indisputable right of American merchants to establish depots of petroleum of their own under more favorable conditions, as well as to require an indemnity for what may be due them for the violation, as regards them, of the liberty of commerce.

No. 430.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 362.] LEGATION OF THE UNITED STATES,
Constantinople, April 4, 1884. (Received April 21.)

SIR: In the affair of Messrs. Knapp and Reynolds, I have the honor to report some advance toward an end.

The Sublime Porte has been induced at last to dismiss the governor

of Bitlis. That you may be able to form an opinion as to how far that is likely to forward the business, I take the liberty of inclosing a copy of a letter received yesterday from Mr. Knapp. For my part, I fear the step comes too late to give hopes of the punishment of Moussa Bey.

The new governor may have the best intentions, and may go out fully energized by orders, and yet fail.

* * * * * * *

Very respectfully,

LEWIS WALLACE.

[Inclosure in No. 362.]

Mr. Knapp to Mr. Wallace.

BITLIS, TURKEY, *March* 10, 1884.

MY DEAR SIR: I received 7th instant your unexpected letter of 20th ultimo, in which you speak of having changed the demand from the Imperial Government, in relation to Moussa Bey, to one of money. Allow me to inquire whether this is an unconditional demand.

Suppose the officials here choose to deliver up Moussa Bey, shall you insist upon the payment of the indemnification notwithstanding?

On the day your letter arrived, I was told that several days previous our governor-general received two most inexorable orders from the minister of foreign affairs to attend to this matter at once; but that he laid by the papers, affecting no concern about it. I have received a letter from Dr. Reynolds, of Van, of February 26th, in which he states he was the day before cited by the officials to answer some questions with reference to this case, which were sent, they said, from Bitlis. He referred them to Mr. Eyres, Her Britanic Majesty's consul, as his representative.

* * * * * * *

I am now credibly informed that, on October 22, the day I identified Moussa Bey as the assailant, his father, Meza Bey, was in town, and that he paid the officials a bribe of £200 (T.), and the result was that his son was allowed to return home; that subsequently to this, on hearing that the affair was still being followed up, he resolved to take £400 (T.) in cash, and sixty botmans (1,000 pounds) of butter and bring here, with a few friends as mediators, present me in person the above, kiss my hand, and secure my forgiveness; but that, when he arrived here with his money, the voli and other officials, hearing of his intention, persuaded him to desist, which he did, they assuring him that nothing more would come of it.

I am furthermore informed—I cannot vouch for its accuracy—that on October 22, when Mussa Bey was brought before me, and I then stated, "That is the man," the scribe wrote, "This resembles the man." Be this as it may, it is certainly in keeping with what is really being done to thwart justice.

I sincerely hope that you will be able to secure the sum demanded, for I am sure the recovery of it will have a greater moral effect than the imprisonment of the assailants in comparison, for life is held of little account among the twenty or more Kurdish clans in this vilayet.

Meanwhile, what are we to do in regard to the future? I am informed that there were over a dozen murders, mostly for money, say nothing of the many wounded and robbed, in this vicinity last summer. If there shall continue the same degree of anarchy here as last summer, I fear we shall not be wholly without apprehension about our personal safety.

* * * * * * *

I send to-day a copy of your letter to Dr. Reynolds.

Thanking you for your noble efforts in our behalf,

I am, &c.,

GEO. C. KNAPP.

No. 431.

Mr. Frelinghuysen to Mr. Wallace.

No. 174.] DEPARTMENT OF STATE,
Washington, April 8, 1884.

SIR: Your No. 350, of the 12th ultimo, in further reference to the question of certain persons, of Russian origin, domiciled in Jerusalem, and claiming to be citizens of the United States, has been received.

My No. 162 to you, of the 25th ultimo, anticipated in some points a reply to your present dispatch.

It appears that the Turkish Government disclaims intention to interfere with any persons who may show that they have duly acquired the status of citizens of the United States, and that it merely seeks to call the attention of the legation to the irregular case of persons within Turkish jurisdiction, who, "without ever having been in America, claim the privileges of American citizens."

It seems unnecessary to discuss the broad contention on which the Sublime Porte rests its argument, that no change of allegiance can be made unless the person affected be actually an emigrant to and resident in the country of his allegiance. It is sufficient for the purposes of the present question that the laws of the United States contemplate such actual presence and residence within their jurisdiction, and it is the effect of naturalization under those laws that we must take as a starting point, and not a general theorem which may involve the right of the person to change his allegiance.

To make this point clearer, the Porte claims that the persons in question "have at no time made a sojourn in the United States, and the naturalization they claim to have obtained being but fictitious and delusive, the Sublime Porte cannot recognize them." Granting that the conclusion is correct, the fictitious and delusive character of the alleged naturalization would have to be determined with respect to the naturalization laws of the United States, and not in conformity with a theoretical declaration of the Turkish Government.

Inasmuch as this contention of the Porte coincides in fact with our naturalization laws as to those persons, natives of a third country, who may never have taken the lawful steps to become citizens of the United States, that is, as to persons of the "first class," described in your previous dispatch No. 315, of January 24, 1884, your reply to his excellency Aarifi, of March 12, and your instructions to the consul at Jerusalem are approved, so far as that class of persons is concerned.

As to the "third class" you describe, those fully naturalized, there can be no doubt of their rights, and of the Porte's entire willingness to recognize those rights.

The "second class" embracing persons who, having taken out their first papers conformably to our law, may be found thereafter in Turkish jurisdiction, does not appear to be touched by the minister's reply, unless his delaration that "the Imperial Government must continue to consider as Turkish subjects the former Russian subjects mentioned" is to be construed as applying to such persons. My No. 162, of the 25th ultimo, will have shown you that I take some pains to reserve any partial rights which an alien may acquire by declaring his intention to become a citizen of the United States. It is not thought likely that any specific case will present this issue, and you may not now need to do more than generally reserve it. But if a case should arise, you will claim that the

person affected shall not be deemed to have become a subject of the Porte until after he shall have had full option to avail himself of his previous declaration of intention and to complete his naturalization conformably to our laws.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 432.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 374.] LEGATION OF THE UNITED STATES,
Constantinople, April 16, 1884. (Received May 6.)

SIR: Referring to your dispatch No. 169, touching rights of American practitioners of medicine in Turkey, and the concessions considered desirable in behalf of graduates of the American Medical College at Beirut, I beg to say that I have read your comments upon the subject, and the papers of Consul Robeson and Consul-General Heap, with great interest. It will of course give me pleasure to *renew* my efforts to obtain one or other of the three points stated as satisfactory to the college authorities.

It would not be just to me to leave you under inference that I have not already tried to do this service for that very creditable institution. I have made the attempt repeatedly, though informally, and always with reference to the correspondence on the subject had between the Porte and my predecessors.

It may be useful also to inform you of the difficulties in the way, a branch of the subject upon which the consular papers are silent.

The Porte holds, in the first place, that the college is not a Turkish institution.

* * * * * * *

In the next place, the imperial college is jealous of its rights and reputation. In its department of science, it is of great influence with the authorities at the Porte. It even forms a kind of quasi bureau. Things pertinent to surgery and medicine that come before the Porte are referred to its faculty for opinion and report.

With this in mind, you can readily see that any one of the three points submitted as agreeable to the Beirut administration will have to be carried over the heads of their imperial brethren of Constantinople.

* * * * * * *

In the third place, the Porte looks with unfriendly eyes at the proposal to confer special privileges upon the American college, because it has an appearance of interference with the internal affairs of the Empire. In reading your dispatch I was struck with the fact that you seem to regard the Beirut graduates as Americans. They are natives of the country and Ottoman subjects.

The parental regard the Sublime Porte believes it has for its own people is tacitly impeached by requests for favors presented by foreigners on the ground of solicitude for the welfare of those people.

In the last place, the most insuperable objection lies in the unwillingness of the Porte to do anything to sustain a foreign college of whatever kind in Turkey. Within six weeks past a permit was refused authorizing the founding of a medical college at Beirut under the auspices of the Jesuits, although the application was pressed zealously by the Marquis de Noailles, my colleague of France.

Doubtless you inferred from Consul Robeson's dispatch that there were other foreign medical colleges in Turkey, and that the Porte was discriminating in their favor. It is but just to say that there are but two medical colleges proper in this country, the Imperial College at Constantinople and the American at Beirut. There may be a medical department in the American college at Harpoot.

So that altogether the prospect of success in the business by direct application to the Porte is not encouraging. Not impossibly I may do better by trying to interest the Sultan in it. I shall watch an opportunity to present it to him.

Very respectfully, &c.,

LEWIS WALLACE.

No. 433.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 378.] LEGATION OF THE UNITED STATES,
Constantinople, April 21, 1884. (Received May 6.)

SIR: Referring to my dispatch to the Department, No. 358, and to the note (a copy of which was therein inclosed) forwarded to the Sublime Porte after agreement with my colleague, the Russian ambassador, I have now the honor to transmit for your information a copy and a translation of the reply received thereto. * * *

The reservation contained in the next to last clause of the paper, of a right to review the work of the commission with a view to lessening the storage charges at present collected under the concession, means, when literally interpreted, that the council of ministers will now undertake a reduction in the way of compromise. Accordingly, among the last acts of the late minister of foreign affairs, Aarifi Pasha, was a reference of the identic note to the council, with an earnest recommendation that the charge be reduced to 70 paras the case.

When I heard of the return to office of Assim Pasha, I paid the new official a congratulatory visit. This was done yesterday. I found his excellency friendly to the compromise; he even volunteered to exert himself to have the council take the matter up at its next meeting. That meeting was held yesterday.

From the office of the minister of foreign affairs I went next to that of the minister of the interior. The latter official made no concealment of his position. He was most pronounced in advocacy of a compromise, and agreed to join his excellency Assim Pasha in pushing the affair at the next council.

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure in No. 378.—Translation.]

Assim Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, April 12, 1884.

The ministry of foreign affairs has received the *note verbale* the United States legation did it the honor to address it the 24th of last March, No. 208, relative to the petroleum depots of Tchiboukei.

The Sublime Porte regrets not to be able to regard this question from the same point of view as the United States legation. In its eyes the establishment of the depots presents no international character and does not attack commercial liberty.

It concerns a measure of internal order and public security that the territorial Government evidently has the right to settle for itself by observing the interests of everybody.

It could not therefore recognize the right of importers either to establish depots or to claim indemnification.

However, while maintaining the standpoint it has already developed concerning the the point of right, the Sublime Porte did not omit examining the objections to which the tariff in force might give rise. The question was referred to a special commission, which has recorded in a report the result of its deliberations. The Sublime Porte reserves to itself the examinations of this work to ascertain if it be necessary or not to lower the dues at present collected.

The United States legation may be sure that the Imperial Government has given this affair the most serious attention, and that its greatest desire is to conciliate all interests engaged.

No. 434.

Mr. Wallace to Mr. Frelinghuysen.

[Extract.]

No. 381.] LEGATION OF THE UNITED STATES,
Constantinople, April 25, 1884. (Received May 13.)

SIR: I have the honor to transmit copies of papers touching the affair of Messrs. Knapp and Reynolds; one, from the minister of foreign affairs, conveying the idea that the authorities of Bitlis have been making extraordinary exertions to bring Moussa Bey to justice, and that they are now making such exertions and mean to continue them; the other is a copy of an official report from Her Britannic Majesty's vice-counsel at Van, which states that the zaptiehs sent to arrest Moussa found him, but let him go. For the latter I am indebted to Lord Dufferin.

* * * * * * *

Very respectfully, &c.,

LEWIS WALLACE.

[Inclosure 1 in No. 381.—Translation.]

Assim Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, April 21, 1884.

MONSIEUR L'ENVOYÉ: To follow the note from my department dated the 20th of last March, No. 73964, 11, relative to the affair of Messrs. Knapp and Reynolds, I have the honor to inform your excellency that the judicial authorities of Bitlis, to whom the Minister of Justice had addressed by telegraph most urgent recommendations, have just answered him that, notwithstanding all their efforts the inquiries and investigations made by them had not yet obtained the desired result, but that they would be

continued with the greatest energy. In presence of this situation the department of justice has thought proper to ask to have the papers concerning this affair sent to Constantinople to have them submitted to the minute examination, and to satisfy itself of the manner in which the inquest had been conducted. Meanwhile it has not failed to renew to the competent authorities categorical orders to exert the greatest activity to obtain the solution justice has in view.

In reserving to make known to your excellency future information I may receive concerning this affair, I beg you to be persuaded that the Imperial Government will not lose sight of this affair.

Accept, &c.,

M. ASSIM.

[Inclosure 2 in No. 381.]

Mr. Eyres to Lieutenant-Colonel W. Everett.

VAN, *March* 31, 1884.

SIR: I have received news from Bitlis to the effect that Meza Bey, father of Moussa Bey, has been dismissed from his post of Caimma kam, of Modkan. The defterdar of Bitlis, Husseim Bey, has also been dismissed.

The governor-general, Arif Pasha, lately sent a summons to Moussa Bey to appear before the criminal court and stand his trial for the attack on the American missionaries. No attention was paid to this summons, and zaptiehs were sent to arrest him, but Moussa Bey refused to accompany them, and the zaptichs returned without effecting their purpose.

I have &c.,

H. C. A. EYRES.

No. 435.

Mr. Heap to Mr. Frelinghuysen.

No. 388.] LEGATION OF THE UNITED STATES,
Constantinople, May 14, 1884. (Received June 2.)

SIR: I have the honor to transmit a copy and translation of a note from the Sublime Porte, received recently at the legation, which I think may be accepted as an ultimatum respecting the case of Dr. Pflaum. Further action on our part, if any is taken, now rests with the Department.

I am, &c.,

G. H. HEAP.

[Inclosure in No. 388.—Translation.]

Assim Pasha to Mr. Wallace.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, April 30, 1884.

MONSIEUR L'ENVOYÉ: The imperial ministry has had the honor to receive the note your excellency was good enough to address it the 27th of last February (No. 204), relative to the affair of Dr. Pflaum.

This communication presents no new considerations in the discussion which would justify a modification of the views exposed by my Department in its verbal note No. 73708, 6.

Your excellency will permit me, therefore, to wait for the result of the measures we have taken in relation to this affair with the ministry of justice and of the interior.

Accept, &c.,

M. ASSIM.

No. 436.

Mr. Frelinghuysen to Mr. Wallace.

No. 192.] DEPARTMENT OF STATE,
Washington, May 20, 1884.

SIR: Your No. 381, of the 25th ultimo, has been received. It is difficult to see what further steps can be presently taken to press the case of Messrs. Knapp and Reynolds. No more positive assurances could be asked or given than those furnished to you by the minister for foreign affairs that every effort is in progress to procure the arrest of Moussa Bey, and that the delinquent officials concerned in the previous failure of justice in this regard have been removed.

The statement of Mr. Eyres, British vice-consul at Van, that "zaptiehs were sent to arrest him, but Moussa Bey refused to accompany them, and the zaptiehs returned without effecting their purpose" is not inconsistent with a possibility that the arresting party may not have been strong enough to attempt the seizure of Moussa by force at his own residence.

Further events can only determine whether any fresh proofs of delinquency in the proceedings against Moussa are to be added to those of which we already think we have such good cause to complain. It is very desirable that you should continue to receive, in a friendly way, such information touching events at Bitlis as the British vice-consul may chance to report, and I have no doubt that Lord Dufferin will, in this respect, continue to extend to you his marked courtesy, which this Government highly appreciates.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 437.

Mr. Frelinghuysen to Mr. Wallace.

No. 196.] DEPARTMENT OF STATE,
Washington, May 28, 1884.

SIR: I have to inclose herewith for your information a copy of a communication* from Edward W. Gilman, secretary of the American Bible Society of New York, in relation to the restrictions imposed upon the sale of the Holy Scriptures in Turkey.

If the law allows the sale of the Holy Scriptures in Turkey, the rights of American vendors must be protected.

You should leave nothing undone to protect the lawful rights of American citizens engaged in such occupations, and have extended to them whatever privileges the citizens of other nations have.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

* For inclosure see inclosure to document No. 192 *ante*, page 262.

No. 438.

Mr. Heap to Mr. Frelinghuysen.

[Extract.]

No. 396.] LEGATION OF THE UNITED STATES,
Constantinople, June 4, 1884. (Received June 23.)

SIR: * * * A note was sent to me on the 2d instant by the minister for foreign affairs, reminding me that the treaty of commerce would cease to exist on the 5th of June, I enclose a copy of this communication as well as of my reply to it dated to day, informing his excellency that in the view of the Government of the United States the treaty of 1882 is *not* duly ended, but if the Imperial Government maintains its intention of denouncing that treaty, I am instructed to declare to his excellency that the United States Government falls back on the treaty concluded in 1830, which remains in full force and effect in all its parts after the expiration of the treaty of 1862. * * *

I am, &c.,

G. H. HEAP.

[Inclosure 1 in No. 396.—Translation.]

Assim Pasha to Mr. Heap.

MINISTRY OF FOREIGN AFFAIRS,
Sublime Porte, June 2, 1884.

MR. CHARGÉ D'AFFAIRES: In sequel to the communications from my Department relative to the renewal of the existing treaty of commerce between Turkey and the United States of America, I have to remind you that this treaty was denounced by the Sublime Parte at the proper time.

Subsequently, the conclusion of a provisional convention for the prolongation of this act was proposed to the legation of the United States, but as no agreement on this subject has been come to up to this time, the treaty will have ceased to exist from the 5th of June, 1884.

As the application of the new custom-house system is near at hand, I have considered it my duty to remind you of the fact.

Accept, &c.,

M. ASSIM.

[Inclosure 2 in No. 396.]

Mr. Heap to Assim Pasha.

LEGATION OF THE UNITED STATES,
Constantinople, June 4, 1884.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's communication of the 2d instant, Nos. 74806, 23, relative to the treaty of commerce between the United States of America and Turkey, which your excellency reminds me, has been denounced by the Sublime Porte.

Your excellency is pleased also to observe that subsequently a provisional convention was proposed to the legation of the United States for the prolongation of this instrument, but, as no agreement was come to on the subject, the treaty will cease to exist from the 5th June, 1884.

Your excellency is good enough to remark in conclusion that it is your duty to inform me of this fact, as the inauguration of a new system of customs dues is near at hand.

Your excellency is aware that a protocol was proposed to his excelleney Tevfik Pasha, the Ottoman minister at Washington, by the Department of State, on the 21st of March last, in view of the intention of the Imperial Ottoman Government to denounce the treaty of the 25th of February, 1862. This protocol was rejected.

The object of the protocol was to place the two Governments on a footing of equality with regard to other Governments, and its principal stipulation is to the effect that they shall reciprocally enjoy the rights granted to other most favored nations. These provisions being eminently just and equitable it was reasonable to entertain the expectation that they would be found acceptable by the Imperial Government, particularly as they were intended to bridge over the inconvenience of a period of transition between the denunciation of the existing treaty of commerce and the negotiation of a new one.

However, in the view of the Government of the United States the treaty of 1882 is *not* duly ended, but if the Imperial Government maintains its intention of denouncing that treaty, I am instructed to declare to your excellency that the United States Government falls back on the treaty concluded between our two respective Governments in 1830, which remains in full force and effect in all its parts after the expiration of the treaty of 1862.

I beg, &c.,

G. H. HEAP.

No. 439.

Mr. Heap to Mr. Frelinghuysen.

[Extract.]

No. 402.] LEGATION OF THE UNITED STATES,
Constantinople, June 19, 1884. (Received July 7.)

SIR: * * * Referring to dispatch No. 196, relative to the restrictions imposed upon the sale of the Holy Scriptures in Turkey, complained of by the secretary of the American Bible Society of New York, I have to state that I waited on the minister for foreign affairs the day I received the dispatch and called his attention to this often-repeated grievance. There is now reason to believe that this question is in a fair way of adjustment, although some time will elapse before the necessary orders can reach all the governors and other provincial authorities.

Similar restrictions have occurred here, but upon being brought to the knowledge of the legation or consulate-general the causes for complaint have been removed.

The difficulties thrown in the way of the American Bible Society, particularly in the sale of their books, come less from Mohammedans than from Christian sects.

I have, &c.,

G. H. HEAP.

No. 440.

Mr. Frelinghuysen to Mr. Heap.

No 207.] DEPARTMENT OF STATE,
Washington, June 30, 1884.

SIR: I have received your No. 388, of the 14th ultimo, in regard to the case of Dr. Pflaum, and have to observe that no serious objection is here perceived to awaiting the result of the examination by the minister of justice, who, it may be assumed, is charged with the essential point of the complaint, namely, the imprisonment of Dr. Pflaum, and may thus be deemed a recession from his extreme ground that the treatment of Dr. Pflaum was justified at every step.

If the Government of the Porte should find that the Turkish execution of the sentence was justifiable, you will protest against the same as an undeniable violation of article 4 of the treaty of 1830.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 441.

Mr. Frelinghuysen to Mr. Heap.

No. 208.] DEPARTMENT OF STATE,
Washington, July 1, 1884.

SIR: I have to acknowledge, with approval, your No. 396, of the 4th ultimo, concerning the denunciation of the treaty of 1862 by the Sublime Porte, and your note to the minister for foreign affairs reserving all rights of this Government under the treaty of 1830.

In your note to Assim Pasha you appear to have met the implication of the Porte that its proposal to establish a *modus vivendi*, under the treaty of 1862, had been unsuccessful through our failure to come to an agreement. The protocol submitted by this Government was in response to the Porte's general and unformulated proposal, and it was rejected without being, as would appear, ever considered or being deemed to merit the submission of a counter-draft; neither does Tevfik Pasha's note of rejection even show in what respects it was unacceptable nor suggest any amendment.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 442.

Mr. Frelinghuysen to Mr. Heap.

No. 214.] DEPARTMENT OF STATE,
Washington, July 17, 1884.

SIR: I herewith transmit a letter of thanks, of the 14th instant, from the corresponding secretary of the American Bible Society at New York, to whom the information imparted by your dispatch No. 402, of the 19th ultimo, was communicated. Mr. Gilman refers in his letter to two recent cases occurring at Constantinople, where the customs authorities have so far declined to pass the Bibles ordered from Beirut, on the ground that the books are printed in Arabic and cannot easily be read by the officials. They are uncertain, therefore, whether the Bibles are what they purport to be.

Whatever may be necessary to facilitate the passage of these books, provided they have not been passed upon the receipt of this instruction, you will do.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

[Inclosure in No. 214.]

Mr. Gilman to Mr. Frelinghuysen.

BIBLE HOUSE, ASTOR PLACE,
New York, July 14, 1884.

SIR: I take this early opportunity to express my thanks for the information contained in your communication addressed to me, under date of July 11, and for the promptness with which the instructions of the Department were given to the minister at Constantinople, in respect to matters which had led the American Bible Society to invoke the kind offices of the Government.

I cannot forbear, however, to express the conviction that something more is needed to secure for the society and its agents, even in the capital of the Empire, the rights of American citizens engaged in lawful trade. An illustration of this is contained in a letter which I have just received from Constantinople, written ten days after the date of Mr. Heap's dispatch No. 402. My correspondent says, "Two cases of Arabic Bibles and Testaments which I ordered from Beirut some months ago, and which have been in the custom-house here for seven weeks, although having the regular papers and pronounced, over and over again, all good and harmless, are not yet given up. If we in the capital suffer such things you can imagine the state of things in the interior. We hope in the end to get our books, but the whole thing is an outrage." We understand the excuse in this case to be that, as the books are in Arabic, the officials cannot read them well, and that they are not sure they are what they purport to be.

We are thankful to learn that in the case of the colporteur who was arrested near Smyrna some months ago our consul, Mr. Stevens, took very energetic measures, which resulted not only in the release of the man, but in the issue by the Government of a paper which will protect him in future.

With renewed thanks for the courtesy we have uniformly received from the Department, I am, &c.,

EDWARD W. GILMAN,
Corresponding Secretary.

No. 443.

Mr. Heap to Mr. Frelinghuysen.

No. 414.] LEGATION OF THE UNITED STATES,
Constantinople, July 18, 1884. (Received August 2.)

SIR: I have the honor to inclose copies of a note from the Earl of Dufferin dated the 14th instant, with its inclosures, and of my reply to the same; also a copy of a letter from the Rev. Mr. Herrick, a missionary residing here, concerning the difficulties and obstructions thrown in the way of the American missionaries in Armenia by the local authorities in the smaller towns and villages to prevent the sale of their books.

This is a frequent cause of complaint on the part of the missionaries, not only in the smaller towns in the interior, as stated in this correspondence, but also in the larger cities, not excepting Constantinople. This opposition to the sale of these books comes in part from the Armenians, particularly the clergy, who have considerable influence in Asia Minor, and who look upon them as the cause of the conversion of many of their people to Protestantism, and in part from the Turks themselves who believe that it is owing to the teachings of the missionaries through their publications that so many young Armenians emigrate to America, and after obtaining naturalization return here and claim the protection of the United States. The Turkish Government is beginning to refuse recognition of the foreign naturalization of their subjects who have left their country without permission. This is the case with nearly all the

Armenians who go to the United States. Hence they have frequent trouble with the authorities on their return.

Colonel Everett, Her Majesty's consul at Erzeroum, takes a sensible view of the question, and the missionaries would do wisely in following his advice.

It is extremely difficult, in the present disposition at the Porte towards our missionaries in Armenia, to induce the minister of foreign affairs to send categorical and energetic orders to the governors and sub-governors in the provinces to respect and protect their rights—orders that are meant to be obeyed. There is a strong occult Armenian influence at the Porte which renders it difficult to effect a satisfactory settlement of any question in which an Armenian is involved.

As we have no consular representative in those distant and extensive regions, throughout which so many Americans are scattered, I was glad to avail myself of Lord Dufferin's very courteous offer to instruct the British consuls there to look after their interests.

I am, &c.

G. H. HEAP.

[Inclosure 1 in No. 414.]

Lord Dufferin to Mr. Heap.

THERAPIA, *July* 14, 1884.

SIR: I have the honor to transmit to you herewith a dispatch which I have received from Her Majesty's consul at Erzeroum inclosing a copy of a communication addressed to him by the Rev. Robert Chambers, an American missionary stationed at that place.

This communication, as you will perceive, sets forth the restraints which are being placed on the Erzeroum American mission by the local authorities, and suggests that it might be conducive to their better treatment if certified copies of the firman granted to the Protestant subjects of the Sublime Porte by Sultan Medjid, accompanied by strict orders to maintain its provisions, were sent by the Erzeroum government to the various local authorities of that vilayet.

I have also the honor to inclose a further dispatch from Colonel Everett reporting the seizure of some of Mr. Chambers' books and the action taken by him in consequence.

I should be much obliged if you would inform me whether you are disposed to take any steps in this matter, and I need hardly state that I shall be most happy to assist you as far as it lies in my power to do so.

I have, &c.,

DUFFERIN.

[Inclosure 2 in No. 414.]

Mr. Heap to Lord Dufferin.

LEGATION OF THE UNITED STATES,
Therapia, July 18, 1884.

MY LORD: I have been expecting a letter from the Bible House, which has delayed my acknowledging the note your excellency did me the honor to write me on the 14th instant, inclosing copies of two letters from Colonel Everett, concerning the restrictions which are placed by the authorities in Asia Minor on the sale of books by American missionaries.

I beg to thank your lordship for your kind offer to assist me as far as lies in your power. Your lordship having already instructed Colonel Everett, and, through him, Her Majesty's other consular officers in Asia Minor, to give protection and assistance to Americans in that part of the Empire, I venture to suggest that it might be conducive to much additional advantage if the Porte were officially informed that British consuls are instructed to extend their protection to Americans whenever they are found residing beyond the jurisdiction of their own consular authorities. If this suggestion meets with your approval I shall write to the Porte to the effect that American citizens are authorized to apply to Her Majesty's consuls for protection and assistance.

I have been asked by the missionaries to make this suggestion, and your uniform kindness to our citizens encourages me to comply with their request.

I shall also ask the Porte to send the orders to the volis that Colonel Everett speaks of, and hope that they will have the effect he anticipates.

I remain, &c.,

G. H. HEAP.

[Inclosure 3 in No. 414.]

Mr. Herrick to Mr. Heap.

JULY 15, 1884.

DEAR SIR: I find in my latest note from Rev. Dr. Barnum, of Harpoot, the following:

"Colonel Everett has told Mr. Chambers, of Erzeroum, that American subjects have been placed under British protection, but the Porte and the volis have not been informed of it, and that the American legation should give the necessary information."

Would it suit your view of the case to officially inform Dr. Barnum and other American citizens remote from American consuls, that they are to apply to British consuls, and also to request the Turkish Goverment to so notify the volis?

Yours, &c.,

GEO. F. HERRICK.

[Inclosure 4 in No. 414.]

Mr. Everett to Lord Dufferin.

ERZEROUM, *June* 26, 1884.

MY LORD: I have the honor to inclose herewith the copy of a letter which I have received from the Rev. R. Chambers, an American missionary stationed at this place.

In presenting it to me Mr. Chambers begged that I would bring his request to the notice of your excellency, whose kind offices he solicits. At the same time he is writing to his chiefs at Constantinople, requesting them to call the attention of his excellency, the American minister, to the grievous restraints which are being placed on the mission at the present time by the local authorities.

These restraints, Mr. Chambers informs me, comprise the mutilation, and in some cases, confiscation, of their books by the education department here, although these books have already passed the censorship at Constantinople, a prohibition to sell any of them except in the principal towns, under the penalty of imprisonment, detention in jail of their agents in the sub-provinces by the local governors, and confiscation of the books found upon them, a growing tendency to ignore the Protestants as a separate community, and in fact every sort of annoyance that can be devised.

Mr. Chambers appears to have formed an opinion that some of these evils might be lessened if it were more generally known in the sub-provinces that a Protestant firman exists.

It is probable that in many of the cazas the sub-governors have no knowledge of the existence of a Protestant firman, and that in many others there is entire ignorance of its terms, but it is doubtful whether there would be any amelioration of the condition of the Protestants, even if the governors of the cazas mentioned by Mr. Chambers were so provided. I base this opinion on the ground that the rights of the Protestants are well known to the authorities by whom the books are mutilated and confiscated, and from whom the instructions proceed restricting their sale. An order from the Sublime Porte reminding the authorities here of the rights acquired by the Protestants through the firman and enjoining them to take care that in future this community should be in no way molested, would be, perhaps, more efficacious.

I am, &c.,

WILLIAM EVERETT.

[Inclosure 5 in No. 414.]

Mr. Chambers to Colonel Everett.

EREZROUM, *June* 20, 1884.

MY DEAR SIR: Great Britain has been the chief instrument in the Divine hand for the establishment and maintenance of the principles of religious liberty in this, as in many other countries. The firman which secures the rights and liberties of the

Protestant subjects of the Porte was obtained from the Sultan Abdul Medjid by the good offices of the British Government, which has never remitted its efforts for obtaining equal rights for all classes of the subjects of this Empire.

I am very sorry to have to say that the provisions of the above-mentioned firman are often ignored or imperfectly acknowledged in many of the provinces of the Erzeroum vilayet, which state of things may, I think, be accounted for, in part, on the supposition that the firman and its provisions are generally unknown.

May I ask you kindly to consider whether it would not be conducive to good results in many ways that certified copies of the firman, accompanied also by strict injunctions from the Erzeroum government to the various local governors and officials, be sent to the following seats of local government, viz: Erzingen, Kemakh, Momakhotun, Kasaba (Keghi), Khanous, Hassankalsh, Toprakkalsh, Kora, Kilissa, and Bayazid. At the present time offenses against liberty of conscience are being committed in Khanous and Keghi—offenses the possibillty of the occurrence of which emphasizes the need of some such steps as those which I have above indicated.

Your kind attention to this request will confer another lasting favor upon many of the subjects of this Empire.

I am, &c.,

R. CHAMBERS.

[Inclosure 6 in No. 414.]

Mr. Everett to Lord Dufferin.

ERZEROUM, *July* 3, 1884.

MY LORD: I had barely written my dispatch No. 28, of the 26th ultimo, before I received another communication from Mr. Chambers, in which he stated that a number of books which had been seized by the authorities at Khanous were detained by the censor here, who refused to deliver them up unless the colporteur on whom they were found signed a declaration to the effect that he would not again sell any books except in the chief towns of the sub-provinces of the vilayet.

Believing that I might be able to render Mr. Chambers some assistance in this matter without going beyond my instructions, I directed Mr. Devey to see the censor, and if he refused to give up the books to call on the voli. The censor refusing, Mr. Devey called upon the voli, who at once ordered the books to be returned. They were given back the next day.

During Mr. Devey's interview with the voli his excellency pointed out that he had received an order from Constantinople, applicable to all communities, that in future no books of any kind were to be sold except in the chief towns or villages of the sanjaks, cazas, and mahichs of the vilayet.

No doubt this order is a certain restriction to the Protestants who have always been in the habit of hawking their books about in the villages, but, on the other hand, the Government may have good reason for controlling the sale of books at the present time, and it certainly could not be expected that the Protestants should be placed on a more advantageous footing in this respect than the other Christian communities.

For the present I have recommended Mr. Chambers to instruct his agents to comply strictly with the existing orders, and I have also advised him to court the examination of his books, and have them all stamped with the seal of the vilayet, before being issued to the colporteur for sale, and whether or no they may have passed the censorship at Constantinople.

By such measures, it appears to me, he will not only entirely avoid collision with the authorities, but he will be likely to gain their respect and confidence.

I am, &c.,

WILLIAM EVERETT.

No. 444.

Mr. Heap to Mr. Frelinghuysen.

No. 422.] LEGATION OF THE UNITED STATES,
Constantinople, August 13, 1884. (Received September 1.)

SIR: Adverting to your dispatches numbered 196 and 214, dated the 28th of May and 17th July respectively, relative to the restriction on the sale of the American Bible Society's books, and more especially to

the detention by the custom-house here of their Bibles printed in Arabic, I have the honour to inform you that the minister of public instruction directed the custom-house on the 4th of July last to deliver these books to their owner or consignee.

It is to be regretted that in the interior as well as here the authorities, particularly the subordinate and more illiterate ones, through misdirected or ignorant zeal, interfere so often with the colporteurs of the Bible Society although they are duly licensed and the books they have for sale have passed the censorship. The superior authorities appear to disapprove of the arbitrary acts of their subordinates, but do not seem able to prevent them, and when a seizure of books takes place they allow so many delays and formalities to be interposed that much time usually elapses before redress can be obtained.

The old time rough and ready justice of the pashas, who received examined and gave decisions on complaints in a single sitting, had its advantages, but all this is changed and the celerity of Turkish legal procedure exists only in tradition.

I am, &c.,

G. H. HEAP.

No. 445.

Mr. Frelinghuysen to Mr. Heap.

No. 220.] DEPARTMENT OF STATE,
Washington, August 19, 1884.

SIR: I have to acknowledge the receipt of your No. 414, of the 18th ultimo, respecting the protection of American citizens in Asia Minor (Armenia) by British consuls, and to inform you that the Department was exceedingly gratified to learn of the very courteous offer made by Lord Dufferin, Her Britannic Majesty's representative at Constantinople, in reference to the protection by British consular officers of the rights of American citizens engaged in the sale of books in those distant regions of Turkey remote from our consular representatives.

The occasion for such protection seems to have arisen on account of restrictions placed upon the sale of books by the local authorities in Armenia.

The restraint, complained of to the British consular authorities, seems to comprise the mutilation and in some instances the confiscation of their books by the education department of the local authorities, notwithstanding the fact that the books have already passed the censorship at Constantinople.

Her Britannic Majesty's consul at Erzeroum, Mr. Everett, in his report of the matter to Lord Dufferin, says: "It is probable that in many cases the local authorities have no knowledge of the existence of a Protestant Firman, and that in many others there is entire ignorance of its terms," and suggests that it might be conducive to the better treatment of the American citizens engaged in the book trade if an order be issued by the Sublime Porte reminding the local authorities in Asia Minor of the rights acquired by the American citizens through the firman, and enjoining them to take care that in the future those engaged in such work be in no way molested.

This suggestion would doubtless, if executed, prove efficacious in many cases. You are therefore instructed to use your good offices to promote such a result.

Citizens of the United States engaged in the sale of books in Turkey should, at all times, be willing to show the local authorities that the books offered for sale have passed the censorship at Constantinople, and, to avoid collision with such authorities in the interior, the books should be stamped to show that fact.

It seems to me that the adoption of such measures may gain the respect and confidence of such authorities.

You are authorized to express to Lord Dufferin as well as to Mr. Everett, Her Majesty's consul at Erzeroum, through him, the thanks of this Department for their kind and courteous intervention on behalf of the Rev. Robert Chambers, an American missionary at Erzeroum.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 446.

Mr. Heap to Mr. Frelinghuysen.

[Extract.]

No. 430.] LEGATION OF THE UNITED STATES,
Constantinople, September 12, 1884. (Received Sept. 29.)

SIR: I have the honor to acknowledge the receipt of your dispatch of the 19th of August last, No. 220, relative to the protection of American citizens in Asia Minor, the sale of books, and the acknowledgment of the active part the Earl of Dufferin has taken in giving protection, through British consuls, in that portion of the empire, to our countrymen in need of it.

I met Lord Dufferin last evening and conveyed to him the expression of your gratification to learn of his courteous offer in reference to the protection of Americans in Armenia. I regret that we shall lose by his appointment as viceroy of India, one upon whose sympathy we could always rely in case of necessity. * * *

I am, &c.,

G. H. HEAP.

No. 447.

Mr. Heap to Mr. Frelinghuysen.

No. 441.] LEGATION OF THE UNITED STATES,
Constantinople, October 10, 1884. (Received October 27.)

SIR: Referring to your dispatch of July 17th last, No. 214, relative to the restrictions on the sale of the publications of the American Bible Society by the Ottoman authorities, I regret that I have nothing satisfactory to report.

I have had repeated conversations with the minister of foreign affairs on the subject and he has assurred me that he has asked the minister of public instruction to issue orders to put a stop to the arbitrary acts of the subordinate officials in the provinces who interfere with and practically stop the sale of books hawked about the country by colporteurs. If such orders have been given they have had no effect. The

authorities do not seem to object to the sale of books by stationary vendors in the large towns, where there are employés who are able, from a knowledge of the law, to control the sales, by determining whether the publications have been duly approved by the censorship; but they do object to books being hawked about the country and in villages where there are no competent officials.

Although *we* have entire confidence in the integrity and loyalty of the missionaries and are sure that they will not transgress any law or regulation upon the circulation of printed matter, it is difficult to inspire the Turk with the same confidence.

The frequent emigration of young men to the United States, who return to this country with naturalization papers, is attributed in a large degree to the influence of the books issued by the American Bible House, and especially to the instruction given at numerous schools established in Armenia under the auspices of the American Board of Foreign Missions.

The Turks are probably indifferent to this proselyting which is confined to Armenian Christians, but the Armenian clergy do not take so calm a view of the matter, and it is owing to their influence, which is, in some matters, very strong, that the missionaries encounter so many difficulties in the prosecution of their beneficent and civilizing work.

This influence is daily felt not only in the sale of their books, but in the opening of schools, which were formerly licensed without much difficulty, but are now strongly opposed by the Turkish authorities. The refusal to grant permission for the establishment of printing presses is another frequent occasion for complaint.

I am, &c.,

G. H. HEAP.

VENEZUELA.

No. 448.

Mr. Baker to Mr. Frelinghuysen.

No. 839.] LEGATION OF THE UNITED STATES,
Caracas, February 6, 1884. (Received February 25.)

SIR: I have the honor to acknowledge the receipt of your dispatch No. 269, of date 22d ultimo, in response to my No. 808, of date 3d ultimo, relative to the case of Mr. John E. Wheelock, and approving my memorandum to Mr. Seijas on the subject.

It will have been seen from my No. 824, of date 20th ultimo, that my intention of following up the matter further at that time was superseded by the receipt of a verbal note from Mr. Seijas which, referring to the interviews touching the matter of Mr. Wheelock, indicated that instructions relative to Mr. Wheelock's case were being sent by the then going mail to the chargé d'affaires of Venezeula at Washington; and from my No. 829, of date 29th ultimo, it will be seen that upon the receipt of this verbal note my view was that it was completely within the competence of this Government, if it so chose, to transfer the consideration of the matter to Washington, through the instrumentality of its chargé d'affaires at that capital, and that the verbal note in question was an indication of such choice on the part of this Government. I have not been

informed what are the instructions sent to the Venezuelan chargé d'affaires relative to the case.

If, in any possible aspect of the matter, I should be mistaken in the view which I have taken as to the legitimate diplomatic effect of Mr. Seijas's said verbal note, I request that the Department will advise me thereof.

I am, &c.,

JEHU BAKER.

No. 449.

Mr. Frelinghuysen to Mr. Baker.

No. 276.] DEPARTMENT OF STATE,
Washington, February 29, 1884.

SIR: Acknowledging the receipt of your dispatches Nos. 824, of the 20th ultimo, and 839, of the 6th instant, relative to the case of John E. Wheelock, I have now to say, with especial reference to the latter of these dispatches, that the reply of the Venezeulan Government upon that subject, as recently received through its chargé d'affaires, Mr. Soteldo, is receiving consideration. You will therefore await further instructions before taking any action.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 450.

Mr. Frelinghuysen to Mr. Baker.

[Extract.]

No. 286.] DEPARTMENT OF STATE,
Washington, April 8, 1884.

SIR: I transmit herewith a copy of a note* from Mr. Soteldo, the chargé d'affaires of Venezuela here of the 8th of February last, in relation to the claim of John E. Wheelock against that Republic, and of my reply to Mr. Soteldo of the 4th instant, wherein I set forth the reasons which made it inexpedient and impracticable to accept the contention of the Venezuelan Government in that case.

You will accordingly renew the demand heretofore made in Mr. Wheelock's behalf, and press it with all consistent dispatch to a speedy and equitable conclusion. * * *

Adding that the correspondence upon this subject, subsequent to that contained in House Executive Document No. 87, Forty-eighth Congress, first session, is being prepared for transmission to that body as supplementing that of February 7.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

---

* For inclosures see documents numbered 468 and 469 *post.*

No. 451.

Mr. Baker to Mr. Frelinghuysen.

[Extract.]

No. 892.] LEGATION OF THE UNITED STATES,
Caracas, April 10, 1884. (Received April 28.)

SIR: A matter affecting Mr. John Dalton, United States consul at Ciudad Bolivar, has recently occurred in this capital. The *Opinion Nacional* of the 31st ultimo contained a letter, which is really an order from the President, Guzman Blanco, directing, in substance, that Mr. John Dalton and some twenty or more other persons of Ciudad Bolivar, be subjected to an arrest of three days in the quarters of the national force; that is, in effect, be subjected to three days' imprisonment in the military quarters at Ciudad Bolivar, for, in short, having made a representation touching a certain matter of the domestic economy of the country, in terms which the President regards as disrespectful. I first saw this letter on the morning of the 1st instant, and at once proceeded to prepare a note to Mr. Seijas on the matter, concluding with a respectful request that said order be not executed so far as it applies to Mr. Dalton, and a respectful and solemn protest against its execution as applied to him. This note I sent to Mr. Seijas in the evening of the 1st instant. On the 8th instant I received from Mr. Seijas, in answer, a somewhat lengthy and completely unsatisfactory note, of date 7th instant, setting at naught my request and my protest. With other work, I have not yet had time to prepare a proper reply, and a full report of the case and correspondence must necessarily await the next mail. I merely write this for your early preliminary information. * * *

I am, &c.,

JEHU BAKER.

No. 452.

Mr. Baker to Mr. Frelinghuysen.

No. 902.] LEGATION OF THE UNITED STATES,
Caracas, April 18, 1884. (Received May 3.)

SIR: Referring to my No. 892, of date 10th instant, relative to an order for the arrest of Mr. John Dalton, United States consul at Ciudad Bolivar, and others, I now write to say that I find it absolutely impossible to send a full report of the case by the present mail. There are some things which Mr. Seijas refers to in his note on the subject which I wish to look at before writing my answer, and which I have not yet had an opportunity to examine. I wish to make no possible mistake in the matter.

I have not yet received any communication on the subject from Mr. Dalton, and have to-day written him a dispatch, informing him of the prompt action which I took with the view of preventing his arrest; that I am left, however, to infer from the order, and from Mr. Seijas' note that he has actually been arrested; and telling him that, if he has not already done so, he should as soon as practicable make a full report of the matter to the Department of State and to this legation. I will communicate further on the subject as soon as possible.

I am, &c.,

JEHU BAKER.

No. 453.

Mr Baker to Mr. Frelinghuysen.

[Extract.]

No. 907.] LEGATION OF THE UNITED STATES,
Caracas, April 27, 1884. (Received May 19.)

SIR: Referring to my No. 892, of date 10th instant and to my No. 902, of date 18th instant, both relative to the case of Mr. John Dalton, United States consul at Ciudad Bolivar, I have the honor to inclose herewith:

1. A printed copy of the letter or order of the President, Guzman Blanco, which I referred to in my No. 892 as the same appears in the *Opinion Nacional* of the 31st ultimo, together with a translation thereof.

2. A copy of the note referred to in my No. 892, of date 1st instant, which I addressed to Mr. Seijas, with a view of preventing the arrest of Mr. Dalton.

3. A copy and translation of Mr. Seijas' note, of date 7th instant, in reply to mine.

4. A copy of my note of date 26th instant, in rejoinder to the note of Mr. Seijas.

5. A copy of the dispatch, of date 18th instant, and referred to in my No. 902, which I addressed to Mr. Dalton.

6. A copy and translation of a part of Venezuelan law, referred to in Mr. Seijas' note.

I, of course, draw the attention of the Department to all of these inclosures *in extenso*.

My view is that the President's order is in violation of constitutional guarantees, and especially and plainly in violation of the guarantee relative to ind vidual security.

* * * * * * *

I have still received no communication from Mr. Dalton on the subject.

I am, &c.,

JEHU BAKER.

[Inclosure 1 in No. 907.—Translation.]

Letter of the President.

CARACAS, *March* 29, 1884.

MR. MINISTER OF PUBLIC WORKS: What the Government has done in the territories during the last three years has had as much foresight as its results have been satisfactory. Although there were no more than that, it would suffice to prove that the administration which closes has known how to conduct the Government with singular prudence.

Before the consequences of the crisis we are passing through could be felt in the country, it proceeded to create for it revenues which would supply the deficiency about to supervene in the existing revenues.

The territories being organized one after another, with laws, authorities, and administration, it began to yield the working of their natural products; it afterwards increased the yield, and it is increased in a manner so happy that the revenue created from the territories has advanced to cover that which, on account of the depreciation of coffee, the revenue of the Republic is losing, as may be seen by studying my recent message to the present Congress.

But, Messrs. John Dalton & Co., Palazzi Brothers, Hahn, Grillet & Co., Frühstück Brothers, P. Battistini & Co., N. Gärdes & Co., C. Vicentini & Co., Mönch, Kraft & Co., W. Kühn & Co., Luis A. Portillo, and Michelangeli and Figarella, of Ciudad Bolivar, protesting against what the Government has done for the working of Caura, have made representation in terms truly improper, as being disrespectful; for which,

without loss of a moment, you will communicate to the minister of the interior, who will communicate on the matter to the president of the State of Bolivar, the constitutional agent of the federal government, in order that he may impose on said persons an arrest of three days in the quarters of the national force.

Furthermore, improving the departure of the first steamer, you, the minister of finance and of the interior, should communicate to your respective dependents, recommending to them the most rigid fulfillment of all the dispositions relative to the territories, especially respecting the Sarrapia, which may have come, or may come, from Caura, that which the merchants of Ciudad Bolivar may have inclusive—be it of whatever harvest—and whether or not they may have permits signed by Señor Pazos, who has fled without giving an account of the government of the territory with which he was charged, and for which it is also urgent to decree his subjection to trial.

I am, &c.,

GUZMAN BLANCO.

[Inclosure 2 in No. 907.]

Mr. Baker to Mr. Seijas.

LEGATION OF THE UNITED STATES,
Caracas, April 1, 1884.

SIR: My attention was arrested this morning by a letter from his excellency the President of the Republic to his excellency the minister of public works, of date 29th ultimo, as the same appears in the *Opinion Nacional* of the 31st ultimo. Upon inquiry I learn that it has not yet been published in the *Gaceta Oficial*. The nature of the contents of the letter, the violent presumption of its authenticity, though published in an unofficial periodical, and my clear conviction that it is my plain duty to draw your excellency's urgent attention to it at the earliest possible moment, will obviously justify my reference to it in its present form of publication.

The letter in question, which is really an order, states in effect that Mr. John Dalton and various other persons of Ciudad Bolivar, protesting against what the Government has done for the working of Caura, have made representation in terms truly improper, as being disrepectful; and directs that for this, without loss of a moment, the minister of public works will communicate to the minister of the interior, who will communicate on the matter to the president of the State of Bolivar, in order that he may impose on said persons an imprisonment of three days in the quarters of the national force.

I am fully persuaded that there can be no real law of Venezuela which authorizes the summary seizure and imprisonment, upon an executive order, of a citizen of the United States domiciled in Venezuela, for the mere joining with others in making a representation touching a matter of the domestic economy of the country in terms which the President may regard as disrespectful. I should be surprised to learn that there is such a law in any republic on the globe.

Mr. John Dalton, of Ciudad Bolivar, is consul of the United States of America, and I understand he is also a citizen thereof, domiciled in Ciudad Bolivar. Therefore, as in duty bound, as diplomatic agent of the United States of America, I do respectfully request that said order be not executed so far as it applies to Mr. Dalton; and I do respectfully and solemnly protest against its execution as applied to him.

I avail, &c.,

JEHU BAKER.

[Inclosure 3 in No. 907.—Translation.]

Mr. Seijas to Mr. Baker.

MINISTRY OF FOREIGN AFFAIRS,
Caracas, April 7, 1884.

MR. MINISTER: On the 2d I received your excellency's communication of the 1st, in which, grounding yourself on the presumed authenticity of a letter published in the *Opinion Nacional*, you protest against its contents, after requesting that there may not be applied to Mr. John Dalton, consul of the United States at Ciudad Bolivar, the order of the President there communicated for the imprisonment of him and others who have addressed themselves to the first magistrate in disrespectful terms.

I will begin by indicating to your excellency that in fact the President of the Republic has expedited such order, although not for imprisonment, as your excellency qualifies it, but for arrest, by way of correction of the fault committed.

In Venezuela, by article 555 of the penal code, the violation of the respect due to

authority is ranked as a fault against public order and is punished by arrest for the time of five to twenty days, unless on account of its gravity it may constitute the crime designated "desecration," in which case the punishment is much greater. For this a proceeding is necessary and the punishment is applied by the tribunals. But, moreover, the authorities, as well legislative as political and judicial, can, without previous trial, impose by way of correction mulcts and arrests which are not considered as punishment, according to article 43 of the code cited.

Almost daily are read in the periodicals of this city notices of arrests decreed by the governor or the prefects of the federal district, in virtue of power which has been conceded to them by the President of the Republic, who has constitutional power to organize it and act in it as first authority, civil and political. (Article 65, No. 7 of the Constitution.)

By No. 10 of the same, in cases of foreign war, the President can "arrest or expel individuals who may belong to the nation with which this is at war, and who may be adverse to the defense of the country."

According to article 137 of the penal code, the national Executive, the country being declared in civil war, can detain all individuals who for political motives he may believe prejudicial to the peace and security of the Republic.

"In time of peace," says the second part of the article, "the national Executive cannot detain any citizen for *political motives.*"

Then it is clear that for other motives he can detain them.

In fact it would be an absurdity that the President of the Republic, chief of the general administration, sole representative of the respect of foreign powers, colaborer of the legislature, charged with the fulfillment of the laws, supreme chief of the national army, and to whom is committed the security of the country, and the guarding of its interests and its honor, should have his hands tied, and should have to leave unpunished lacks of respect for the Government—estimated according to his own criterion.

That of the United States has not proceeded thus when it has believed itself offended in its dignity by foreign diplomatic agents, as took place in 1809 with Mr. Jackson, British minister; in 1818 with General Lino de Clemente, chargé d'affaires of Venezuela; in 1849 with Mr. Poussin, representative of France; and in various other cases in which it has judged its respect offended by publications made, or letters addressed to the supreme magistrate, on matters pending in the department of exterior relations.

There is no treaty in force between Venezuela and the United States. So to their citizens article 10 of the constitution is applicable, which gives to foreigners the same civil rights as to Venezuelans, and the same security in their persons and property.

Nor does the circumstance of Mr. Dalton being a consul hinder; for the Republic, in accord in this with the United States, does not admit that consuls may have diplomatic privileges or may be exempt from the civil and criminal jurisdiction of the place of their residence, as to what does not concern their functions, chanceries, flag, escutcheons, archives, and seals.

On the other hand, Mr. Dalton, at the same time that he is a consul, is a merchant in Ciudad Bolivar; and in such character, which gives him no right above the other merchants, but on the contrary places them on a level at every point, it was that he associated himself with the other signers of the protest.

But there is more: Mr. Dalton's character of consul is a circumstance aggravating his fault; for, according to the regulations prescribed for the use of the consular service of the United States edition of 1881, which I have in view, their consuls, when for lack of a diplomatic agent they may communicate directly with the Government, ought to do it in a courteous and dignified manner, a precept which is extended to every class of correspondence with the local authorities.

It is there likewise seen that they are commanded to avoid public discourses as far as possible, and above all to abstain from unfavorable or critical comments on the institutions or acts of the government to which they may be accredited.

It is remembered that in the United States the French consul, Mr. Dillon, was arrested for not having complied with the order of appearance of the tribunal, notwithstanding that a clause of the respective conventions excepted the consul from such obligation.

According to the same book which I have before cited, the consuls of the United States in Belgium, Germany and Holland, are free from arrest, unless for crimes. In France they have personal immunities; but if they are Frenchmen or occupy themselves in trade, they can only claim the immunities conceded to other citizens of the country who possess property or are merchants. In Austria-Hungary merchant consuls can only be detained for mercantile debts. In Colombia the consuls of the United States have no diplomatic character. In Great Britain, Liberia, Holland (as to colonies), Nicaragua, and Paraguay they are considered as chosen for the protection of commerce.

In Venezuela, I should add, consuls have no diplomatic character, nor immunity from civil and criminal jurisdiction, as was declared in 1852 and in 1872, and lastly in the decree of the 25th of January, 1883.

As the Republic has made no consular convention with the United States, nor remains in force the last treaty of commerce of 1860, which included some consular articles, these rules of said instructions, paragraph 77 are applicable to the consuls of the United States here: "However, a consul, according to public law, is subject to the payment of contributions and imposts and municipal taxes on his property in the country, or on his trade, and in general, to the civil and criminal jurisdiction of the country where he resides. It is probable that, if he does not engage in business, and possesses no immmovable property, he would not be subject to arrest or incarceration except for a criminal charge, and in case of committing a crime he can be punished by the local laws, or returned to his own country."

Besides being a merchant, the consul, Mr. Dalton, is proprietor of immovable property; so that all the circumstances favorable to his arrest concur in him.

In the extinguished treaty of 1860, between Venezuela and the United States, the case is provided for, and solved in the following manner, article 26:

"The high contracting parties grant to each other the liberty of having in the ports of the other, consuls and vice-consuls of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nation; but if any of said consuls carry on trade they shall be subject to the same laws and usages to which private individuals of their nation are subject in the same place."

Finally, if the President should not have sufficent power for what he has done—which is denied—the present first magistrate would derive it from the extraordinary powers conferred on him.

The measure taken with Mr. Dalton is merely one of police. Had it been desired to subject him to a punishment he would have been ordered to be proceeded against, after withdrawing his exequatur, or he would have been expelled for the impropriety of his conduct.

What has been exposed will convince your excellency of the reason which has supported the first magistrate in imposing a correction on Mr. Dalton, not in jail, but in the quarters of the national forces, for a want of respect, which without doubt is punished in all countries of the globe where authority is conscious of its duties.

I renew, &c.,

RAFAEL SEIJAS.

[Inclosure No. 4 in No. 907.]

Mr. Baker to Mr. Seijas.

LEGATION OF THE UNITED STATES,
Caracas, April 26, 1884.

SIR: Your excellency's note of date 7th instant, in reply to my note of date 1st instant, relative to the case of Mr. John Dalton, United States consul at Ciudad Bolivar, has been received, attentively considered, and I regret to be constrained to add found to be completely unsatisfactory.

Your excellency's preliminary corrective observation, indicating that the order of the President was "not for imprisonment," as I had qualified it, "but for arrest by way of correction of the fault committed," is found to be without substantial weight. To arrest and detain one in custody in military quarters for three days is, in reason and in the general legal sense, an *imprisonment* for that time.

Nor do I find any substantial weight in your excellency,s palliative observation that "the measure taken with Mr. Dalton is merely one of police."

There is nothing upon which my Government places so high a store as upon the rightful liberties of its citizens. The summary seizure and detention for three days in military custody of a man who is at once a citizen and a consul of the United States, is very serious business, demanding a clear warrant therefor, a warrant which in this case I am wholly unable to discover.

Nor do I find any cogent weight in your excellency's general observation to the purport that it would be absurd to suppose that the President "should have his hands tied, and should have to leave unpunished lacks of respect for the Government, estimated according to his own criterion." To be sure the President, as every chief magistrate of a nation, must be supposed to have proper power, *limited by domestic and public law*, to look about and attend to such matters, but I am persuaded that your excellency must see on reflection that the tremendous power you seem to claim for

the President in these matters, unlimited except by his own criterion or judgment, is wholly untenable.

In short, I must candidly say that it appears to me that none of the observations of your excellency go with any cogent weight to the case.

Saving without prejudice all other things that might be said, it appears to me that the following is sufficient and conclusive.

As your excellency observes, article 10 of the constitution gives to foreigners the same civil rights as to Venezuelans. I draw your excellency's attention to the guarantees to Venezuelans contained in article 14, section 6 of the constitution relative to the liberty of expressing thought; in article 14, section 10, relative to the liberty of petition; and in article 14, section 14, clause 4, relative to individual security. The provision of this last is:

"The nation guarantees to Venezuelans * * * neither to be taken nor arrested without the proceeding of a summary information of an offense (*delito*) having been committed which merits corporal punishment, and a written order of the functionary who decrees the seizure with an expression of the motive which causes it, unless taken in the act."

This is the fundamental law of Venezuela, in conflict with which any other law or usage of the country is wanting in real legality, in presence of it, I regard the arrest and detention of Mr. Dalton as plainly illegal. If, as your excellency's note leaves me to conclude, the order in question has in fact been executed at against him.

I avail, &c.,

JEHU BAKER.

[Inclosure 5 in No. 907]

Mr. Baker to Mr. Dalton.

LEGATION OF THE UNITED STATES,
Caracas, April 18, 1884.

SIR: Doubtless you have sometime since been made aware of a recent letter or order of the President, Guzman Blanco, directing, in substance, that you and some twenty or more other persons, of Ciudad Bolivar, be subjected to an arrest of three days in the quarters of the national force—that is, in effect, be subjected to three days imprisonment in the military quarters at Ciudad Bolivar—for, in short, having made a representation touching a certain matter of the domestic economy of the country, in terms which the President regards as "disrespectful." This letter or order was published in the *Opinion Nacional* of the 31st ultimo. I first saw it on the morning of the 1st instant, and in the evening of the same day I sent to the minister of exterior relations, Mr. Seijas, a note on the matter, concluding with a respectful request that said order be not executed so far as it applies to you, and a respectful and solemn protest against its execution as applied to you. On the 8th instant I received from Mr. Seijas, in answer, a somewhat lengthy and completely unsatisfactory note, of date 7th instant setting at naught my request and my protest.

This much for the purpose of informing you, as is eminently proper in such a case, of the prompt action which I took with the view of preventing your arrest. I am left, however, to infer from the order, and from Mr. Seijas' note that you have in fact been arrested.

I have not yet received any communication from you on the subject, and it may yet be too early for that. I draw your attention to paragraph 83 of consular regulations, 1881. If you have not already done so, you should as soon as practicable make a full report of the matter to the Department of State and to this legation.

I am, &c.,

JEHU BAKER.

[Inclosure 6 in No. 907.—Translation.]

ARTICLE 555. Those will be chastised by arrest for the time of five to twenty days * * * 14th, who shall be wanting in the respect and consideration due to authority, or who shall lightly disobey it, failing to fulfill the particular orders it may dictate to them, if the lack of respect or the disobedience shall not constitute an offense (*delito*).—*Codijos de Venezuela*, 1873.

No. 454.

Mr. Baker to Mr. Frelinghuysen.

No. 918.] LEGATION OF THE UNITED STATES,
Caracas, May 6, 1884. (Received May 19.)

SIR: Referring to my No. 839 of date February 6 last, and to your dispatch numbered 276, of date February 29 last, both relative to the case of Mr. John E. Wheelock, I write to say in reply to your dispatch numbered 286, of date 8th ultimo, relative to the same case, that I have, as promptly as practicable, executed the instruction contained in the last-mentioned dispatch, wherein I am informed that it is found to be inexpedient and impracticable to accept the contention of the Venezuelan Government in that case, and wherein I am accordingly directed to renew the demand heretofore made in Mr. Wheelock's behalf, and to press it with all consistent dispatch to a speedy and equitable conclusion.

I have the honor to inclose herewith a copy of the note which I have this day addressed to Señor Amengual in the premises. Though not long, it is intended to be a complete, accurate, and properly phrased execution of your instruction.

I am, &c.,

JEHU BAKER.

[Inclosure to dispatch No. 918.]

Mr. Baker to Mr. Amengual.

LEGATION OF THE UNITED STATES,
Caracas, May 6, 1884.

SIR: Referring to the case of Mr. John E. Wheelock, and for accurate understanding, referring particularly to the verbal note of his excellency the minister of exterior relations, Señor Seijas, to myself, of date 19th of January last, indicating to me, with reference to interviews touching that case, that at that opportunity instructions on the particular were given to the chargé d'affaires of Venezuela at Washington, I have now to say, in pursuance of an instruction recently received from my Government, that it finds it inexpedient and impracticable to accept the contention of the Venezuelan Government in that case; and that I am accordingly directed to renew the demand heretofore made in Mr. Wheelock's behalf, and to press it with all consistent dispatch to a speedy and equitable conclusion.

In complying with this instruction of my Government, permit me to recall your excellency's attention to the signal and enormous cruelty of the outrage perpetrated upon the person of Mr. Wheelock by the Venezuelan commissary Sotillo and his accomplices; to the long time that the case has been pending in your excellency's ministry; to the numerous times that in pursuance of instructions from my Government it has been urged upon the attention of your excellency's Government; and to respectfully add that, in the view which my Government takes of its obligation to protect its citizens, and in the view which it takes of the facts and the law of this case, it appears to me that the case has now reached a stage when no other discussion than that which looks directly to its equitable settlement can longer be profitable.

I avail, &c.,

JEHU BAKER.

No. 455.

Mr. Frelinghuysen to Mr. Baker.

No. 294.] DEPARTMENT OF STATE,
Washington, May 7, 1884.

SIR: I have to acknowledge the receipt of your dispatch No. 892 of the 10th ultimo, relative to the order of the President of Venezuela for the arrest and imprisonment of Mr. John Dalton, United States consul

at Ciudad Bolivar, and to approve your promptness in seeking to interpose your protest in behalf of American citizens.

I now inclose for your information a copy of my note* of the 2d instant upon the subject to Mr. Soteldo, the Venezuelan minister at this capital, and observe that before instructing you further in the premises, the Department will await your promised report with full and explicit particulars of the case, which it is not doubted you will transmit without unnecessary delay.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 456.

Mr. Frelinghuysen to Mr. Baker.

No. 296.] DEPARTMENT OF STATE,
Washington, May 8, 1884.

SIR: Your No. 893 of the 11th ultimo has been received. You therein speak of your purpose to prepare a comprehensive despatch on the general subject of claims differences between the United States and Venezuela, and as an important point in this connection you recommend that the decree of February 14, 1873, be exhaustively examined with a view to determining whether or not, taken as a whole, its provisions constitute a domestic law which should be recognized and respected as such by foreign governments.

My No. 286 of the 8th ultimo, sending you transcripts of the correspondence lately exchanged between Mr. Soteldo and myself in regard to the Wheelock case, will have shown you that the bearing of the decree of February 14, 1873, on the question had already been considered.

As will be seen, Mr. Soteldo asserts that our Court of Claims is the prototype of the high federal court. In this he is mistaken, as I show. It is true that besides the special jurisdiction of the Court of Claims in matters of contract and statutory obligations, it may also take cognizance of such claims as may be referred to it by Congress. A foreign claim for tort might be so referred, but only with the assent of the foreigner's Government. A case in point occurred quite recently, where this Government proposed to that of Great Britain that a claim of a British subject should, by authority of Congress, be referred to the Court of Claims for adjudication. The British Government declined the proposition on the ground that the exclusively domestic organization of the court made it inappropriate as a substitute for an international tribunal.

It is probable that this instruction, joined to the correspondence sent with my No. 286, will sufficiently answer your No. 893. Your full examination of the subject is, however, awaited and will receive due consideration. You will probably find it advisable to consider how the unqualified acceptance of the jurisdiction of the high federal court over all alien cases would affect proceedings looking to redress in case the threatened invasion of Mr. Dalton's consular and personal rights (reported in your Nos. 892 and 902) should be unhappily affected.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

---

* For inclosure see document numbered 472, *post*.

No. 457.

Mr. Frelinghuysen to Mr. Baker.

No. 297.] DEPARTMENT OF STATE,
Washington, May 12, 1884.

SIR: I have received your No. 902, of the 18th ultimo, in the matter of the arrest of Mr. John Dalton, United States consul at Ciudad Bolivar, by order of the President of Venezuela, and have to approve your request of Mr. Dalton to be immediately furnished with full particulars in the premises.

My instruction No. 294, of the 7th instant, will have shown you the action thus far taken with Mr. Soteldo, the Venezuelan minister here, in regard to the case. You will have observed from that instruction the Department's intention to await details before formulating a specific complaint.

Mr. Dalton belongs to a class of consuls authorized to transact business. If he does, he is for all purposes of such business subject to the same treatment as any other American resident engaged in trade in Venezuela. He is manifestly subject to no less favorable treatment, although he may have no specific personal exemptions or privileges by reason of his office. But if he, a consul, has been subjected to treatment to which no American citizen under the treaty can be, that is, to imprisonment in virtue of an executive order without trial or opportunity for legal defense, then the fact of his being known as the representative of a friendly power might be deemed to aggravate the injury committed.

You should lose no time in sending hither copies of all documents, the petition, the order of arrest, the correspondence between yourself, the Venezuelan Government, and Mr. Dalton, and any other information bearing upon the case, in order that the Department may give to it a full and impartial consideration.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 458.

Mr. Frelinghuysen to Mr. Baker.

No. 299.] DEPARTMENT OF STATE,
Washington, May 20, 1884.

SIR: I have received your No. 907, of the 27th ultimo, concerning the supposed subjection of Mr. John Dalton, United States consul at Cindad Bolivar to arrest and detention in the military barracks there in virtue of an executive order of President Guzman Blanco.

My No. 297, of the 12th instant, will have already shown you the interest which is here taken in this question.

I have now to approve your note of protest addressed to Mr. Seijas on the 1st ultimo, and also your reply of April 26 to Mr. Seijas's note of the 7th.

You appear to correctly understand the situation, and have in great measure met the strangely sophistical and fallacious argument of Mr.

Seijas. The gist of the matter is not that a consular officer may have been adjudged liable to arrest for alleged contempt of the authority of the country, but that an American citizen should be punished for such charged contempt by a mere executive order, without intervention of any competent judicial authority, and without process of any kind, or hearing, or opportunity of defense. In other words, our ground may be briefly summarized as holding that in time of peace the executive or military arm may not usurp the functions of the judiciary as toward an alien, without violating the laws of nations, the rights of hospitality, and the comity of treatment usual among friendly States.

These considerations are merely general, and their application to the case in hand necessarily depends on whether Mr. Dalton, or any other citizen of the United States, has in fact been subjected to deprivation of liberty by military force without civil process. It is still hoped that this may not have been the case. If, however, it has been done, a reply to Mr. Seijas's note of April 7 will be in order, and you will be instructed accordingly.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 459.

Mr. Baker to Mr. Frelinghuysen.

[Extract.]

No. 938.] LEGATION OF THE UNITED STATES,
Caracas, May 29, 1884. (Received June 10.)

SIR: Referring to the case of Mr. John Dalton, I have the honor to inclose herewith:

1. A copy of a dispatch from Mr. Dalton to myself, of date 13th instant, relative to the case.

2. A copy of my note, of date 27th instant, to Señor Amengual, relative to the case.

3. A copy of my dispatch of this date to Mr. Dalton, relative to this case.

In view of the nature of the subject, I invite the careful attention of the Department to all these inclosures.

It will be seen that Mr. Dalton reports that he was not personally arrested, being confined by sickness at the time, but that, in his place his son, John Dalton, jr., was taken as a substitute, and kept in prison three days. I have taken the view that this was, in effect, equivalent to the imprisonment of Mr. Dalton himself. I feel so confident that this view is correct, and that to suppose else is "to stick in the bark" of the true meaning and substance of the matter, that I have to respectfully request that if the Department should by possibility think otherwise it will suspend final judgment on the point until I can have an opportunity to say something further in relation thereto. * * *

I am, &c.,

JEHU BAKER.

[Inclosure 1 in No. 938.]

Mr. Dalton to Mr. Baker.

UNITED STATES CONSULATE,
Ciudad Bolivar, Venezuela, May 13, 1884.

SIR: I have the honor of acknowledging receipt of your valued favor of April 18, and for your kind endeavors in my behalf I beg leave to offer you my best thanks. I am sorry that your protest against my arrest was of no avail, but that could have been expected if you take into consideration the scandalous and unlawful treatment that the principal merchants of this place have been subjected to, and for what? Because they made a representation against a contract made by the Government of Venezuela with a company who intend to create a grand monopoly to the great detriment of the merchants established here. They say in Caracas that the language of the representation he made was very disrespectful, but to show you the matter clearly I have had all the documents translated into English, and submit them to you for your careful consideration, and leave it to your good judgment to say whether we deserved such outrageous treatment.

Inclosure 1. A contract entered into by the Venezuelan Government with Messrs. Polly, Aurrecoechea & Co., dated February 28, 1883.

Inclosure 2. A representation made to the Government at Caracas by the principal merchants of this place in reference to the aforesaid contract.

Inclosure 3. A letter written by General Guzman Blanco, President of Venezuela, to the minister of public means, in reference to the representation mentioned.

Inclosure 4. An order of arrest issued by the President of this State in compliance with instructions received from Caracas.

Inclosure 5. An article inserted in one of our local newpsapers, *El Bolivarense*, informing the public of the arrest of the principal merchants of this place.

Inclosure 6. An article from the constitution of Venezuela, clause 10, article 14, regarding the liberty of petitions with right of obtaining resolutions, and clause 14, section 4, regarding arrests and imprisonment.

Inclosure 7. Newspapers bearing on the case.

I have sent a copy of these documents to the Secretary of State at Washington for his consideration. I, personally, was not arrested, being confined by illness at the time; in my place they took as a substitute my son, John Dalton, jr., whom they kept in prison three days.

* * * * * * *

I am, &c.,

JOHN DALTON,
United States Consul.

[Inclosure 1 to inclosure 1 in No. 938.—Translation.]

From the *Gaceta Oficial*, No. 3003, Caracas, July 6, 1883.

The Congress of the United States of Venezuela, decree:

SOLE ARTICLE. The following contract entered into by the minister of public works with Messrs. Polly, Aurrecoechea & Co., on the 28th of February of the present year, for the gathering of all the vegetable products of the territory Caura, is hereby approved, to wit:

ARTICLE 1. The Government of the Republic of Venezuela grants Polly, Aurrecoechea & Co., for the term of twenty-five years, to be extended for twenty-five years more, at the discretion of the federal executive, the exclusive right of gathering all the vegetable products discovered or to be discovered in the federal territory El Caura, such as tonca-beans, rubber, quinine, piassava, palms, agaves, copaiba, mazaranda, vanilla, reeds, almonds, called Para chestnuts, rosins, barks, &c.

ART. 2. The Government will exempt from the payment of import duties the indispensable machinery and apparatus for the establishment and development of the cultivation of the vegetable products, which form the principal subject of this contract, to which effect and whenever it occurs the requisites of the law shall be complied with.

ART. 3. The Government grants Polly, Aurrecoechea & Co. the right of extracting the grease and all that may be profitable from the alligators and turtles of the rivers, streams, lagoons, and marshes, situated within the boundaries of the actual State of Bolivar.

ART. 4. It is further granted to Polly, Aurrecoechea & Co. the use of the navigable rivers within the territory "Caura" for the purpose of establishing in same small steamboats for carrying the produce gathered by the company.

ART. 5. Polly, Aurrecoechea & Co., on their part, bind themselves to pay the Government of Venezuela, as sole national impost, 50,000 bolivares ($9,615 United States gold) in cash for each 46,000 kilograms of tonca-beans, 50,000 bolivares for every 46,000 kilograms of rubber, and 2,000 bolivares for every 46,000 kilograms of turtle or alligator grease. After this contract bas been in force five years, they shall pay a conventional impost, stipulated by an additional clause to this contract, on all rosins, balms, and other marketable products.

ART. 6. Polly, Aurrecoechea & Co. are bound to organize and preserve, with same carefulness as their own property, the tonca-bean, rubber, and other useful plantations, as well as to explore the virgin forests existing in the territory "Caura," with the object of discovering all natural riches therein contained, reporting the result to the federal Government.

ART. 7. The Government of Venezuela will dictate a special resolution, by which the custom-house at Ciudad Bolivar shall exact from the exporters of the products herein described a certificate, signed by the company, stating the true origin of the product to be exported and describing the quantity and place where it has been gathered. When the products proceed from the territories Upper Orinoco and Amazonas, the certificate will be signed by the authority appointed by the Government to supervise the explorations in said territories.

ART. 8. Polly, Aurrecoechea & Co. bind themselves to co-operate to their best ability toward subduing and civilizing the errant tribes existing in the territory "Caura," rendering to these natives the same protection granted to those from the Upper Orinoco and Amazon; and when said natives should build houses or huts, remain two years in civilized living, the federal executive will grant them the benefit stated in article 5, of the law of June 2, 1882, concerning natives and their respective securities.

ART. 9. Polly, Aurrecoechea & Co. are authorized to transfer this contract in full or in part to another person or company, with no other requisites than its notification to the Government of the Republic.

ART. 10. At the expiration of the stipulated term of this contract all the buildings, machinery, and properties purchased by the company for the cultivation and workings of these stipulated products, shall become the property of the Government, without any claim of indemnification on their part.

ART. 11. The term of this contract shall commence from the date of its approval by Congress, and from same date all its stipulations shall be binding.

ART. 12. Any difference which might occur concerning the present contract shall be settled by the courts of the Republic.

Signed two of a tenor to the same purpose at Caracas, on the 28th of February, 1883.

M. CARABAÑO.
POLLY, AURRECOECHEA & CO.

Given in the house of the federal legislative corporation, at Caracas, the 26th day of June, 1883, 20th year of the law and 25th of the Federation.

The president of the Senate,

FULJENCIO M. CARIAS.

The president of the Deputies,

I. B. PALENCIA.

The secretary of the Senate,

M. CABALLERO.

The secretary of the Deputies,

I. NICOMEDES RAMIREZ.

Federal capitol, at Caracas, on the 3d of July, 1883, 20th year of the law and 25th of the Federation.

Be it executed.

NICANOS BORGES.

[L. G. S.] (Countersigned.)
The minister of works,
M. CARABAÑO.

[Inclosure 2 to inclosure 1 in No 938.—Translation.]

From "*El Bolivarense*," No. 1079, Ciudad Bolivar, March 15, 1884.

To the Minister of Means (Fomento):

We, the undersigned, merchants resident in this city, do hereby most respectfully set forth: By the contract entered into by that department with Messrs. Polly, Aurrecoechea & Co., on the 28th of February, 1883, it is granted to said gentlemen for the

term of twenty-five years, to be prolonged twenty-five years more, at the discretion of the federal executive, the exclusive right of gathering all the vegetable products discovered or to be discovered in the federal territory "El Caura," such as tonca-beans, rubber, quinine, piassava, palms, agaves (aloes), copaiba, mazaranda, reeds, vanilla, almonds (Para chestnuts), rosins, barks, &c. The greater part of the above-mentioned products are well known articles, and have been of free barter in this commerce for many years past, and as there is no reason that justifies the privilege granted to said gentlemen, we find it highly prejudicial inasmuch as it restrains the liberty of industry guaranteed by the constitution and laws of the Republic.

We beg leave to make a brief analysis of the above-mentioned contract in order to demonstrate its inconvenience; although it offers great advantages to Messrs. Polly, Aurrecoechea & Co., in detriment to traders in said article, the nation derives no benefit from it. This refers to article 1; as regards the others we shall have to make the following brief remarks:

By article 2 the Government exempts from the payment of import duties the indispensable machinery and apparatus for the establishment and development of the cultivation of the vegetable products which form the principal subject of that contract, but Messrs. Polly, Aurrecoechea & Co. have not imported any kind of machinery nor apparatus for the better development of the concessions, which undoubtedly was the object of the Government in granting said privilege.

By article 3 it is further granted to the contractors the right of extracting the grease and all that may be profitable from the alligators and turtles of the rivers, streams, lagoons, and marshes situated within the boundaries of the actual State of Bolivar; this concession, which deprives the State of Bolivar of its right of taxing such products, restrains at the same time the liberty of industry, preventing other Venezuelans from dealing in said article, which constitutes a small business for retailers.

By article 4 it is likewise granted to the contractors the use of the navigable rivers within the territory "Caura" for the purpose of establishing there small steamboats for carrying the products gathered by the company. Messrs. Polly, Aurrecoechea & Co., however, have done nothing to that effect, inasmuch as they have not established small steamboats or vessels of any other description for the said navigation.

By article 5 Messrs. Polly, Aurrecoechea & Co. bind themselves to pay the Government, as sole national impost, 50,000 bolivares for 46,000 kilograms of tonca-beans, while the exporters of this produce have so far paid, and are willing to pay, 175,000 bolivares for 46,000 kilograms; this causes a loss to the national treasury of 125,000 bolivares on each 46,000 kilograms exported.

By articles 6 and 8 Messrs. Polly, Aurrecoechea & Co. bind themselves to organize and preserve with same carefulness as their own property, the rubber, tonca-bean, and other useful plantations, as well as to explore the virgin forests existing in the territory "Caura," and to co-operate toward the subduing and civilizing of the natives existing in said territory. These gentlemen, however, have done nothing whatever toward complying with the regulations of said articles, for which reason the object the Government had in view in dictating same will not be attained, to wit, The discovery of all natural riches of said territory, and the settlement of natives inhabiting same. The contractors have confined themselves to coming to this city to appoint agents, with power to grant permits to gather tonca-beans, *but with the express condition that they must be sold to them at the fixed rate of two and a half bolivares per pound.*

By this uncommon pretension of Messrs. Polly, Aurrecoechea & Co. it is easily perceived the monopoly which they intend to establish, with evident prejudice to those who expose their lives in gathering said product, protected by a contract, without complying, on their part, with any of the obligations stipulated in same, and if they have not fulfilled the condition of their contract, which has been demonstrated, how can they consider themselves authorized to fix a price which is but half the value of the article, and to have the exclusive right of purchasing same at so low a price? The commerce of this city have advanced funds to the retail dealers of the district Cedeño and the territory Caura, contracting tonca-beans at 5 bolivares per pound. Would it be right, then, to let the contractors prevent traders in said product from selling their stock at the price of 5 bolivares per pound, because the merchants of Ciudad Bolivar have been deprived of their right of purchasing same, thus compelling stockholders to sell their products to them (the contractors) at 2½ bolivares per pound based on their privilege?

This, besides being restraint of liberty, is highly detrimental to the interests of traders of Cedeño, Caura, and to others, who, aspiring to some gain, come from other sections of the Republic to gather the tonca-beans. Hence the Government, which is in duty bound to protect industry and to watch over the rights and security of its citizens, cannot permit that, making use of its name and protected by a privilege which only favors the contractors, the legitimate interests of commerce are prejudiced, without the nation deriving any benefit whatever therefrom.

Tonca-beans, rubber, copaiba, piassava, and turtle grease are products which have long been exported through this market, forming one of the most important branches of commerce, as much in this market as in the other districts of the State and the territories El Caura and Amazonas. The Government in granting the exclusive privilege to Messrs. Polly, Aurrecoechea & Co. for speculating upon said products, deprives this commerce of one part of its transactions and causes great losses to other speculators from the moment the contractors only offer to pay one-half of its value, thus establishing an odious monopoly, which the Government is in duty bound to prevent in accordance with the guarantees of the liberty of industry and the rights of Venezuelans.

As above stated, Messrs. Polly, Aurrecoechea & Co. have not imported any machinery or apparatus for the development of the products mentioned in their contract; they have established neither steamboats nor vessels of any other description for the navigation of the Caura River; they have taken no steps whatever for the subduing and civilization of the natives, nor for the organization and preservation of the tonca-bean, rubber, and other useful plantations, neither with carefulness, nor in any other way; moreover, they have not even taken the trouble to visit the territory which they intend to speculate upon with the Government's consent and with the work of unfortunates who, stimulated by poverty, penetrate in the forests to return after many perils and sufferings, with a few products to support their families; and would it be just, we repeat, that being able to place these products at 5 bolivares per pound, they should be compelled to sell them in this city at 2½ bolivares per pound to the agents of Messrs. Polly, Aurrecoechea & Co.? We cannot believe it; we have rather the firm conviction based on the known rectitude of the Government, that upon being informed of the abuses which the contractors seek to put in practice, protected by a contract undoubtedly granted with laudable motives, the Government will hasten to declare same void on account of non-fulfillment of any of its stipulations, as they only have in view the advantages they have to profit, to the detriment of the legitimate interests of the commerce of this city and of other places in the Republic of Venezuela.

In view therefore of the above-stated facts we now beg to apply to you, entreating you to submit this petition to the President of the Republic, in order that, taking same into consideration, he may declare the above-mentioned contract rescinded as an act of strict justice which we do not doubt to obtain.

At Ciudad Bolivar, March 13, 1884.

JOHN DALTON & CO.
HAHN, GRILLET & CO.
P. BATTISTINI & CO.
C. VICENTINI & CO.
W. KUHN & CO.
MICHELANGELI, FIGARELLA & CO.
PALAZZI HERMS.
FRUSTUCK HERMS.
N. GARDES & CO.
MONCH, KRAFT & CO.
LOUIS A. PORTILLO.

[Inclosure 3 to inclosure 1 in No. 938.—Translation.]

From "*El Bolivarense*," No. 1101, Cindad Bolivar, April 14, 1884.

CARACAS, *March* 29, 1884.

Señor Minister of Means (*Fomento*):

The foresight of the Government in regard to the territories has been justified by the satisfactory result obtained during the last three years. This fact alone would suffice to prove that the administration that is about to terminate has been conducted with singular ability.

Before the consequences of the crisis we are now going through were felt in the country, I endeavored to create sufficient revenues to supply the decay of those that existed. The territories being organized one after the other with laws, authorities, and administration, the cultivation of their natural products commenced to yield and soon after increased and is increasing in such a prosperous manner that the revenues of the territories have been sufficient to cover the deficiency caused by the depreciation of the coffee, as may be seen by perusing my recent message to Congress, now in session. But in opposition to and protesting against what has been done by the Government for the development of "Caura," Messrs. John Dalton & Co., Palazzi Herms, P. Battistini & Co., Hahn, Grillet & Co., W. Kuhn & Co., N. Gardes & Co., C. Vicentini & Co., Frustuck Herms, Louis A. Portillo, Monch, Kraft & Co.. and Michelangeli & Figarella, of Ciudad Bolivar, having petitioned in terms truly inconvenient for its disrespectfulness, you will without a moment's delay communicate officially to minister of the interior, who, on his part, will do the same to the president of the State of Bolivar, the constitutional agent of the federal Government in the present instance, to have confined in the barracks of the national garrison for three days the above-mentioned gentlemen.

Moreover, profiting by the departure of the first steamer, you will, with the minis-

ters of finance and of the interior, communicate to your respective subordinates, recommending to them the most rigid fulfillment of all the regulations concerning the territories, especially regarding tonca-beans that have arrived or may arrive from Caura, inclusive of what may be in possession of merchants at Ciudad Bolivar, from whatever year the crop may belong to, and whether or no they have permits signed by Mr. Pazos, who has absconded without rendering any account of his administration of the territory under his charge, and for which it is also urgent to decree his impeachment.

I am, &c.,

GUZMAN BLANCO.

[Inclosure 4 to inclosure 1 in No. 938.—Translation.]

Order of arrest.

UNITED STATES OF VENEZUELA. PRESIDENCY OF THE STATE OF BOLIVAR.
CIUDAD BOLIVAR, *April* 12, 1884.
(Year 21st of the law and 26th of the Federation.)

The citizen General Rafael Villanueva, military chief of this town, will receive in hi barracks, under arrest for three days, Mr. John Dalton, jr., in accordance with the resolution of the national Executive dated the 1st instant.

God and federation.

I. M. BERMUDEZ GRAU.

NOTE.—Mr. John Dalton, jr., representative of the firm John Dalton & Co.

[Inclosure 5 to inclosure 1 in No. 938.—Translation.]

Advertisement taken from "El Bolivarense," No. 1101, April 14, 1884.

Arrested.

Since yesterday, the 12th instant, Messrs. John Dalton & Co., Palazzi Hermanos, P. Battistini & Co., Hahn, Grillet & Co., Kuhn & Co., N. Gardes & Co., C. Vicentini & Co., Frustuck Hermanos, Louis A. Portillo, Monch, Kraft & Co., and Michelangeli & Figarella are under arrest in the barracks of the national garrison by order of the federal Executive.

[Inclosure 6 to inclosure 1 in No. 938.]

Taken from the constitution of Venezuela.

Clause 10, article 14, of the constitution of Venezuela grants the liberty of petition with right to obtain a resolution; same may be addressed to any functionary, authority, or corporation. If the petition be addressed by several, the first five subscribed shall be responsible for the authenticity of the signatures, and all for the truth of the facts stated.

Clause 14, section 4, regarding arrests and imprisonment, says neither to be imprisoned nor to be arrested without previous summary information of having committed a crime that deserves corporal punishment, and a written order of the authority ordering the imprisonment, expressing the motive of same, provided he is not caught flagrant.

[Inclosure 2 in No. 938.]

Mr. Baker to Mr. Amengual.

LEGATION OF THE UNITED STATES,
Caracas, May 27, 1884.

SIR: Referring to my note to his excellency Mr. Rafael Seijas, of date 1st ultimo, relative to the case of Mr. John Dalton, United States consul at Ciudad Bolivar, also to Mr. Seijas' note to me, of date 7th ultimo, in reply to mine, also to my note to Mr. Seijas, of date 26th ultimo, in rejoinder to his, I have now to add that I received last night a report from Mr. Dalton relative to the matter, in the light of which I deem it my duty to recur at the earliest possible moment to the subject.

I am now informed by Mr. Dalton to the purport that he was not personally arrested, being confined by sickness at the time, but that in his place his son, John Dalton, jr., was taken as a substitute and kept in prison three days.

Thus the father, the citizen and consul of the United States of America, was most effectively punished in his own person and humiliated in his own feelings by the substituted imprisonment inflicted upon his son.

It appears to me it will be vain to pretend that there is any exculpating difference between the extraordinary case as thus stated and the case as it would have been had Mr. Dalton been personally imprisoned, and I must logically presume, from the vicarious theory which appears to have been resorted to and acted upon in the matter, that no such difference will be claimed; and this is, to say nothing as to the rights which may attach to John Dalton, jr., himself, an aspect of the case which is for the present reserved.

As I am made more familiar with the details of the case, it becomes more intensely displeasing. I had supposed there might be something personally disrespectful in the terms of the representation or petition which was the occasion of the order for arrest, and which, although it would by no means justify a summary seizure and imprisonment, would have to be looked at as an extenuating circumstance. But upon an examination of a copy of this document, as sent me by Mr. Dalton, I am unable to discover so much as the slightest ground for any such extenuation.

Therefore, limiting myself strictly to the bearings of the matter on the rights of persons under the protection of the United States of America, I now regard the proceeding in question as having been wholly without rightful warrant or palliating extenuation—a view which I feel confident my Government will fully, promptly, and heartily take of the subject.

Deeply regretting the occurrence of an incident so painful, so uncalled for, and so gravely and justly offensive to my Government,

I avail, &c.,

JEHU BAKER.

[Inclosure 3 in No. 938.]

Mr. Baker to Mr. Dalton.

LEGATION OF THE UNITED STATES,
Caracas, May 29, 1884.

SIR: Your dispatch of the 13th instant, in response to mine of the 18th ultimo, was received on the night of the 26th instant, and commanded my immediate attention. The proceeding in reference to which you write, I regard as an outrage without mitigation. The imprisonment of your son, as stated by you, I regard as tantamount—in its international legal effect—to your own imprisonment.

* * * * * * *

It is of much importance, as you will readily see, that the very truth in regard to what you describe—in as much extent and detail as possible, and supported by evidence of the particular facts—should be promptly brought to the knowledge of our Government.

Therefore I advise that you proceed at once to take the fullest and most detailed evidence practicable in the matter, being conscientiously and scrupulously careful to elicit the truth, and only the truth. A certified copy of this evidence should be sent to the Department of State, and another to this legation.

Also, in reference to one aspect of the case, please inform me of the place and time of birth of your son John, and of any other facts within your knowledge that may have a bearing on the question of his citizenship.

I am, &c.,

JEHU BAKER.

No. 460.

Mr. Baker to Mr. Frelinghuysen.

[Extract.]

No. 941.] LEGATION OF THE UNITED STATES,
Caracas, June 1, 1884. (Received June 10.)

SIR: Referring to my No. 918, of date 6th ultimo, relative to the case of Mr. John E. Wheelock, I have the honor to inclose herewith a copy of a note, of date 31st ultimo, which I addressed to Señor Amengual,

relative to the same matter, and also relative to the general position of this Government in regard to remanding to the high federal court claims presented by the Government of the United States against the Government of Venezuela. The latter part was written in view of what you say relative to the matter in your dispatch numbered 286, of date 8th of April last, taken in connection with your note to Mr. Soteldo, of date 4th of April last, a copy of which was sent as an inclosure with your said dispatch, and also in connection with your dispatch numbered 296, of date 8th ultimo. * * *

I believe you will find the substance of the matter condensed and clearly expressed in the concluding part of my note to Señor Amengual.

As this matter is of very high legal and practical importance, I draw your special attention to this note.

I am, &c.,

JEHU BAKER.

[Inclosure to No. 941.]

Mr. Baker to Mr. Amenguel.

LEGATION OF THE UNITED STATES,
Caracas, May 31, 1884.

SIR: Referring to my note to your excellency, of date 6th instant, relative to the case of Mr. John E. Wheelock (to which note I have not as yet had the honor of receiving response), I have now to say that, in view of the exceptional monstrosity of the outrage committed upon Mr. Wheelock by the Venezuelan official Sotillo and his accomplices, the length of time the case has been pending and postponed by your excellency's Government, and the stringent character of the instructions under which I am acting, I deem it appropriate, in an entirely friendly and respectful manner, to again earnestly and urgently draw your excellency's attention to that case, and to the absolute necessity of disposing of it.

In the light of recent instructions and information from my Government, I deem it proper to distinctly add that the general position of your excellency's Government in regard to remanding to the high federal court claims presented by the Government of the United States against the Government of Venezuela can in no wise be admitted. Claims thus presented by my Government against yours, in behalf of persons or interests under its protection, are international in their character, and hence have an inherent right to international treatment, that is, to diplomatic treatment, as distinguished from domestic treatment.

Any convenience which might otherwise suggest resort, in any such case, with the assent of my Government to the adjudication of the high federal court, meets, to say the least, with an insuperable obstruction in the provisions of the law or decree which has been made and provided for in such cases in Venezuela.

I avail, &c.,

JEHU BAKER.

No. 461.

Mr. Frelinghuysen to Mr. Baker.

No. 312.] DEPARTMENT OF STATE,
Washington, June 19, 1884.

SIR: Your No. 941, of the 1st instant, relative to the claim of Mr. John E. Wheelock, has been received.

Your declaration to the minister for foreign affairs in regard to Mr. Wheelock's case was perhaps timely, and does at Caracas what my note to Mr. Soteldo, the Venezuelan minister at this capital, does here, namely, requires a final disposition of the case. You will not, however, address any more arguments to the Venezuelan Government regarding the subject unless instructed by the Department to do so.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 462.

Mr. Frelinghusen to Mr. Baker.

No. 316.] DEPARTMENT OF STATE,
Washington, July 5, 1884.

SIR: Your dispatches in regard to the case of Mr. John Dalton, United States consul at Ciudad Bolivar, have been received.

Mr. Dalton did send to the Department the papers to which you refer, and they have been fully and carefully examined. Pending the determination of the citizenship of young Mr. Dalton, as requested by you, no definite action has been taken in the premises. The visit of ex-President Guzman Blanco to Washington recently, gave me an opportunity to express the sentiments of this Government respecting the assumed right of that of Venezuela to subject American citizens to arrest without form of trial or opportunity for defense.

In conclusion I may remark that the matter is held under reserve.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 463.

Mr. Frelinghuysen to Mr. Baker.

No. 321.] DEPARTMENT OF STATE,
Washington, July 8, 1884.

SIR: The question of the arrest of Mr. Dalton, at Ciudad Bolivar, came up during my recent conversation with General Guzman Blanco. He sought to justify the proceeding by detailed argument, which in the main followed the line laid down by Señor Seijas in his note to you on the subject, and was equally unsatisfactory as to the legality of the arrest, without trial or opportunity of defense, and without judicial process, of an alien who may be entitled to the protection of his Government under international law and the comity of nations.

I contented myself, however, with reserving all discussion of the points advanced by the general, until the facts connected with the arrest of the younger Dalton should be known. From your No. 960, of the 23d ultimo, it appears that you had not yet, up to that date, been able to obtain the information sought.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 464.

Mr. Baker to Mr. Frelinghuysen.

No. 994.] LEGATION OF THE UNITED STATES,
Caracas, August 29, 1884. (Received September 13.)

SIR: Referring to my No. 938, and to your dispatch numbered 321, relative to the case of Mr. John Dalton, late United States consul, at Ciudad Bolivar, I write to say that not having yet received any answer

to my dispatch to Mr. Dalton, of date May 29 last (a copy of which was sent as inclosure No. 3 with my said No. 938), I have addressed a dispatch, of this date, to Mr. William Henderson, United States vice-consul at Ciudad Bolivar, of which I inclose a copy herewith drawing, his attention to my said dispatch to Mr. Dalton, and requesting that he send me an answer thereto, particularly to the closing part of it, in which I requested Mr. Dalton to inform me of the place and time of birth of his son John, and of any other facts within his knowledge which might have a bearing on the question of his citizenship. As soon as I can get this information I will communicate it to the Department.

I am, &c.,

JEHU BAKER.

[Inclosure to No. 994.]

Mr. Baker to Mr. Henderson.

LEGATION OF THE UNITED STATES,
Caracas, August 29, 1884.

SIR: I have the honor to draw your attention to my dispatch to the late John Dalton, esq., United States consul, at Ciudad Bolivar, of date May 29th last, and to request that you send me an answer thereto, particularly to the closing part of it, in which I requested Mr. Dalton to inform me of the place and time of birth of his son John, and of any other facts within his knowledge which might have a bearing on the question of his citizenship.

I have not yet received an answer to my said dispatch. Meantime as reported by you in your dispateh of the 20th of June last, Mr. Dalton died on the 19th of that month, three weeks after the date of my dispatch. I will thank you to send me an answer to the dispatch in question at your earliest convenience.

I am, &c.,

JEHU BAKER.

No. 465.

Mr. Frelinghuysen to Mr. Baker.

No. 8.] DEPARTMENT OF STATE,
Washington, September 19, 1884.

SIR: I have received your Nos. 993 and 994, of the 28th and 29th ultimo, respectively, touching the case of Mr. John Dalton, and have to approve your action, reported in the latter of these dispatches, in addressing Mr. Henderson, vice-consul at Ciudad Bolivar, with a view of ascertaining definitely young Mr. Dalton's nationality. In obtaining further information upon that point, it may also be well to ascertain, if possible, whether young Dalton submitted voluntarily to the order of the President of Venezuela, as a member of the firm of which his deceased father was the head, and without protest. This fact, if established, may affect any argument founded on the assumption that young Dalton suffered vicariously.

I am, &c.,

FRED'K T. FRELINGHUYSEN.

No. 466.

Mr. Baker to Mr. Frelinghuysen.

[Extract.]

No. 1027.] LEGATION OF THE UNITED STATES,
Caracas, October 13, 1884. (Received October 28.)

SIR: Referring generally to the past correspondence between myself and the Department relative to the Dalton case, and especially to my Nos. 994 and 938, relative thereto, I have the honor to inclose herewith, a copy of a dispatch, of date 23d ultimo, from Mr. William Henderson, United States vice-consul at Ciudad Bolivar, to myself, relative to said case.

* * * * * * *

Mr. Henderson's dispatch was received on the 10th instant, and I bring it promptly to the attention of the Department, at the same time drawing attention to what I say in my dispatch in response thereto.

* * * * * * *

I am, &c., JEHU BAKER.

[Inclosure in No. 1027.]

Mr. Henderson to Mr. Baker.

CONSULATE OF THE UNITED STATES,
Ciudad Bolivar, September 23, 1884.

SIR: I have the honor of owning receipt of your dispatch dated August 29, last, and must beg your pardon for my seeming inattention in not answering your dispatch of 29th May, but the fact of the matter was that said dispatch arrived on or about the time of the death of my late superior, Mr. Dalton, and was, unfortunately, mislaid. As regards the imprisonment of Mr. John Dalton, jr., in the place of his father, would say when Mr. Dalton, sr., was notified of his arrest (along with the other principal merchants of this place) he was confined in his bed in a very low state of health, so much so that his doctor said his life would be endangered should he be put in prison. For this reason the president of this state of Bolivar, Mr. José Ma. Bermudez Grau, accepted as a substitute his son John Dalton, jr., who remained under arrest three days.

Regarding the citizenship of John Dalton, jr., I am quite sure it would not be recognized here, as according to the laws of this country (as per message to the congress of the ex-President Guzman Blanco) any person born in Venezuela is a Venezuelan and always remains one. John Dalton, jr., was born in this town the 17th of April, 1859. He has been educated in the United States, going there when he was about eight years of age. He returned from there after having completed twenty-one years. If he resided in the United States he would be recognized as an American, but as long as he stays here this Government will not qualify him, but as a Venezuelan, although his father was an American citizen.

* * * * * * *

Hoping you will please excuse the delay in answering your dispatch, I have the honor to be, &c.,

WM. HENDERSON,
United States Vice-Consul.

No. 467.

Mr. Davis to Mr. Baker.

[Extract.]

No. 17.] DEPARTMENT OF STATE,
Washington, November 1, 1884.

SIR: I have to acknowledge the receipt of your Nos. 1027 and 1028, of the 13th and 14th ultimo, in relation to the case of the late John Dalton, and to say that the expression used in your No. 1028, "taken

(or accepted)," when speaking of the imprisonment of the son instead of the father, the precise alternative is formulated. It is regarded as material to know whether Dalton senior being the real object, young Dalton was "taken" as a personal and vicarious substitute, irrespective of his being a member of the firm, or whether he was "accepted" as a sufficient representative of the firm, and equally competent, with his father, to extinguish the penalty arbitrarily imposed on "John Dalton & Co." In other words, would the son or any other substitute have been taken if not a member of the firm.

* * * * * * *

The Department's decision is therefore reserved awaiting further proof.

I am, &c.,

JOHN DAVIS,
Acting Secretary.

CORRESPONDENCE WITH THE LEGATION OF VENEZUELA AT WASHINGTON.

No. 468.

Mr. Soteldo to Mr. Frelinghuysen.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, February 8, 1884. (Received February 8.)

MOST EXCELLENT SIR: In accordance with my promise to your excellency, I wrote to my Government urging the importance of a speedy settlement of the citizen Wheelock's claim.

Not content with recommending this officially, I addressed a private letter to his excellency the President of the Republic, very specially urging an immediate settlement of the case, with a view to the removal of every obstacle that might, even indirectly, give rise to any difference between two nations which should constantly draw closer the bonds of friendship and good will that already happily exist between them.

At the time of writing those communications I was not familiar with all the phases of the case, nor did I know how it conflicts with the vital institutions of the country which I represent.

The facility with which the people of Venezuela and of other Spanish-American republics are burdened with enormous debts for the payment of claims of friendly powers growing out of injuries suffered by their citizens or subjects, has given rise to abuses which threaten to absorb the revenues of them all, and to precipitate them into ruinous conflicts. The history of the past appears incredible as regards these claims, to secure the payment of which the facts have been distorted and exaggerated in every conceivable way, so that trivial acts have been made to appear as most scandalous outrages.

It is wholly impossible for any people to pay fabulous sums for every injury suffered by the citizens of other countries, who, in such cases, have enjoyed privileges that have never been accorded to the natives of any country, among which has been that of having direct recourse to diplomatic intervention on the part of their respective Governments, in disregard of the methods of redress established by law, that is to

say, of the courts and other constituted authorities, which alone are now competent in Venezuela to take cognizance of and decide cases like that of Wheelock, the Executive having no power whatever to interfere with their proceedings.

I make these remarks in order that your excellency may see the special reasons which have compelled the legislative branch of the Venezuelan Government to put a stop to these abuses, and to relieve the people of the constant pressure which was exhausting their resources and vital elements. Laws have been enacted, similar to those of other countries, for the purpose of dispelling the hope of making a fortune at the expense of the public treasury, which was so frequently entertained by those who had some real or imaginary grievance, and who sought to realize their expectations without having recourse to the courts of the country, which are absolutely the same for both natives and foreigners seeking the redress of their wrongs.

Your excellency will be convinced, in the matter in question, of the very great interest which has been taken by Venezuela in Wheelock's case, it having spared no pains to redress his grievance.

The President's letter, a copy of which I have the honor to inclose, will convince your excellency that no charge can be made against my Government on account of occurrences over which it had absolutely no control, of which it had no knowledge, and to secure reparation for which the proper course for the complainant would have been to have recourse to the methods prescribed by the laws of the conntry which were in force at the time when his complaint was made.

With the most distinguished consideration, &c.,

A. M. SOTELDO.

[Inclosure.—Translation.]

President Blanco to Mr. Soteldo.

CARACAS, *January* 14, 1884.

ESTEEMED FRIEND: By your letter of December 15, and by the report of the minister of foreign relations, I have been informed of the recommendation made to you by Mr. Frelinghuysen in regard to the case of Mr. Wheelock. I have also been informed of the steps taken in this case by Mr. Baker.

Entertaining as I do the most ardent desire to act in consonance with the wishes of the United States, I have sought to devise some means of doing so without infringing the laws of February 14, 1873, and without establishing a precedent that might at one blow render my arduous toil and important work in the matter of claims of no avail. Neither I nor other persons have been able to succeed in devising such means. The Government has taken a deep interest in investigating the facts of and in inflicting proper punishment for the offense which gave rise to Mr. Wheelock's complaint. It even sent a lawyer, at its own expense, to Guayana, that he might expedite the preliminary proceedings in the case. To its efforts have been due the issuance of a warrant for the arrest of ex-Commissioner Eusebio Sotillo and for the seizure of his property, with the view of making him criminally and civilly responsible. Unfortunately, he effected his escape, and it has thus far been found impossible to arrest and bring him to trial. The Executive has done and is still doing all in his power to secure his arrest, trial, and punishment.

As to the indemnity, it has been maintained that the Republic owes him none, but he may bring his case before the high federal court and demand such reparation from the party who injured him as he may consider himself entitled to. The law has made the nation resposible for seizures of property, damages, and injuries done by federal officers of the States, but it has not empowered the Executive to make awards in such cases.

The laws of February 14, 1873, in relation to foreigners and claims, have been vindicated at considerable length by the dispatch of the department of foreign relations, which contained many opinions, decisions, and arguments of United States authorities.

To take a retrograde step in this matter would be not only to act in violation of positive laws, but to make the action of the Government inconsistent with itself.

The ultimatum of the French Republic of March 31, 1881, was rejected for the reason that it demanded, in addition to the re-establishment of the provisional quota of 1873, payment of those claims which, like that of Mr. Wheelock, should have been laid before the aforesaid court.

I trust that, having examined the case in question, you will duly appreciate the force of these observations, and that you will communicate them to the honorable Secretary of State as an explanation of the insurmountable obstacle which, in spite of my best wishes, prevents me from acceding to the arrangement proposed.

I am, sir, &c.,

GUZMAN BLANCO.

No. 469.

Mr. Frelinghuysen to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, April 4, 1884.

SIR: I had the honor to receive from you in due course a note dated the 8th of February, in relation to the Wheelock case, which has now for four years been the occasion of remonstrance and reclamation by this Government against that of Venezuela.

My thanks are personally due to you for the prompt and friendly manner in which you endeavored to bring this matter to a settlement by supplementing the representations of this Government and urging an immediate disposition of the claim. I must equally express my regret at your want of success, for, as now appears from your note and from the letter addressed to you by President Guzman Blanco, the Venezuelan Government does not recognize the right of this Government to seek diplomatic redress for one of its citizens injured under circumstances of peculiar hardship.

The argument is, as I understand it, briefly, that Venezuela, having in past times been involved in much expense by reason of compensating foreigners injured in person or property by unlawful acts of the Venezuelan authorities, has devised a domestic scheme of laws, whereby foreigners suffering any such wrong are deprived of the right of recourse to the diplomatic interposition of their Governments and constrained to abide by such action as the local tribunals may take upon their complaints, and that in making efforts to secure the arrest, trial, and punishment of the officer who tortured Mr. Wheelock, the Venezuelan Government has exhausted all possible resources which it might be disposed to employ as an act of friendly deference to another power.

I must frankly express disappointment at this unexpected reply. It is impossible in the first place for this Government to accept the proposition that Venezuela is not liable now, because, in view of the expense of recompensing those foreigners who suffer from the inadequate protection the domestic administration of the country affords, that Government has enacted domestic laws disclaiming such liability.

There is no principle of international jurisprudence more firmly rooted than that independent states have the sovereign right of intervention to protect their citizens in a foreign state and redress the wrongs they may there suffer, and that this right becomes doubly assured in the presence of a denial of justice.

This Government has abundantly recognized this principle in its intercourse with other states. Their claims are admitted to ample discussion, and in case of final disagreement as to the merits of the com-

plaints, international modes of settlement are resorted to. At the present time, a court of arbitration just held in Washington has decided the unsettled claims of France, on behalf of French citizens injured by the acts of our officers. Consideration of the rights involved outweighs in such cases all considerations of mere expense. In no case do we resort to legislative expedients to restrict the right of foreigners in this country to seek the aid of their own Governments for the redress of alleged wrongs.

The issue has been raised in various ways by several of the republics of the American continent, and this Government has consistently contended against such restriction. We hold that the status of a foreigner is, under international law, inherent, and can be neither affected nor destroyed by the municipal law of the state where such foreigners may happen to be sojourning. A foreigner's right to ask and receive the protection of his Government does not depend upon the local law, but upon the law of his own country. His citizenship goes with him into whatever country he may visit, and the duty of his Government to protect him so long as he does nothing to forfeit his citizenship accompanies him everywhere. This duty his Government must discharge, and it could not, if it would, be relieved therefrom by the fact that the municipal law of the country where its citizen may happen to be has seen fit to provide under what circumstances he may be permitted to appear before the authorities of that country. Such a law cannot control the action or duty of his Government, for governments are bound among themselves only by treaties or by the recognized law of nations, and there is nothing in the existing treaties between the two countries or in the law of nations which recognizes as pertaining to Venezuela the right by the enactment of a municipal law to say how, or where, or under what circumstances the Government of the United States may or may not ask justice in behalf of one of its own citizens.

It may, perhaps, be broadly admitted that when the courts of a country afford adequate remedy to foreigners and natives alike in case of wrongful treatment, resort thereto in the first instance by the aggrieved party may be proper; but even in such a case the right of the sufferer's Government to watch over the proceedings from the outset is inalienable. It is its duty to see at every stage that justice is done, to urge full and speedy compliance with the laws, and by its counsel and remonstrance, its moral and material support, to advance the interest of its wronged citizen.

Mr. Wheelock's case has, however, passed far beyond the initial stage to which President Guzman's letter would now seek to recommit it. It has reached the higher plane of an apparent denial of justice.

The correspondence lately published shows that the departmental and State courts of Venezuela successively decided that no grounds existed for continuing the process or ordering the arrest of the commissary, Sotillo, who inflicted the illegal torture upon Mr. Wheelock. On his excellency's own showing, this would have sufficed to dismiss the complaint forever, without recourse or appeal.

Conceding the right of this Government to ask justice for its injured citizen, the Federal Government of Venezuela ordered the State government to reopen the examination. This was done and the result was the same. Here, then, we have three failures of justice, any one of which, if President Guzman's argument be admitted as well founded, was necessarily final.

But two years afterward the Venezuelan Government discovered that "the result of the proceedings involves civil responsibilites," and a fourth investigation was held, the result of which amply bore ont the

allegations of Mr. Wheelock's complaint. Warrants were issued for the arrest of Sotillo, who had meanwhile left the country, and orders were issued to confiscate Sotillo's property, which he had before this placed out of reach of judicial embargo.

Now, after more than four years have passed, it is claimed that the responsibility of Venezuela to punish the offender is met by these tardy and ineffectual proceedings; and, further, that the sufferer is wholly without civil recourse for material reparation, save such as the federal court may find due to him from the commissary, Sotillo.

I may be permitted to pass over, as not meriting serious consideration or argument, the allegation which your note implies, that the Government of Venezuela is not liable "on account of occurrences over which it had absolutely no control and of which it had no knowledge." It is not claimed that the Federal Government directed, or was cognizant of, or consented to, the outrage perpetrated by its public servant in the execution of his public functions.

The simple complaint of this Government is, that an officer of justice of Venezuela, in the exercise of his official functions, subjected an American citizen, whom he had arrested on suspicion, to grievous bodily torture to extort from him a confession of guilt. For this act this Government asks the punishment of the offender, and expects that Venezuela will tender an equitable indemnity to the victim.

The President is surprised at the tardy proposal of Venezuela, now for the first time heard of in connection with the case, that Mr. Wheelock shall seek redress at the hands of the high federal court. Even if he had been disposed to consent to such a disposition of the matter in the interest of friendship and harmony between the two countries, a casual examination of the provisional decrees of 14th February, 1873, concerning the rights and indemnification of foreigners, which prescribe the procedure to which the complaint would be subjected, leads the President to withhold his acceptance of such a resort.

This Government cannot waive the right of its citizens to claim diplomatic protection as those decrees require. It cannot admit that if the court shall deem the claim for indemnity exaggerated the American claimant shall forfeit all rights and incur heavy fine or prolonged imprisonment. It cannot consent to allow the court power to dismiss the claim because more than two years have passed since the commission of the injury. It cannot, in a word, regard those decrees as controlling the equitable or moral rights of an injured American citizen.

I have remarked that more than two years elapsed before any judicial resort of Venezuela admitted that Sotillo was even liable to process. Permit me to ask, in no captious spirit, how it is supposed Mr. Wheelock would have fared had he submitted to those provisional decrees in the face of the solemn adjudication of three judicial tribunals of Venezuela that no grounds existed for subjecting the commissary, Sotillo, to legal process? Would fine and imprisonment have been added to the wrong under which he already lay? If so, would it not have been alleged that diplomatic redress was effectually barred to him by reason of his voluntary submission to the operation of those decrees?

A copy of the present correspondence will be sent to the United States minister at Caracas with instructions to say that this Government does not accept the reply made to its representations, and that it renews its demand for the punishment of the offender, and repeats its expectation that the Government of Venezuela will tender to Mr. Wheelock a just indemnification.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 470.

[Translation.]

Mr. Soteldo to Mr. Frelinghuysen.

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, April 10, 1884. (Received April 11.)

MOST EXCELLENT SIR: I have the honor to acknowledge the receipt of your excellency's communication of the 4th instant. I think that its contents require some observations on my part, which I trust will be favorably received, since they are dictated by a sincere desire to bring about the most cordial understanding in respect to the point in question.

I return my sincere thanks for the complimentary expressions whereby your excellency recognizes my efforts to bring to a final settlement the claim of the citizen Wheelock, when I was not aware of its importance, nor of its intimate relation with certain grave complications, nor with the institutions of vital importance for Venezuela in common with the other sister republics of the continent, which, if disregarded, would precipitate us into difficulties of all kinds, greater than that which we should have avoided.

In order to proceed methodically, I shall begin my observations in the order of the arguments and conclusions of the communication to which I propose to reply.

Your excellency infers from my note and from that of his Excellency President Guzman Blanco, which accompanied it, that the Government of Venezuela does not recognize the right of this Government to have recourse to diplomacy in order to secure the redress of a wrong suffered by one of its citizens, who has been maltreated under circumstances of peculiar cruelty. This assertion is not sustainable in this absolute and isolated form. What his Excellency thus maintains in the case in question is precisely what has been maintained by the United States, which have been our model since the very establishment of their independence, *i. e.*, that foreigners entering a country become subject, *ipso facto*, to the laws of that country, which they are under obligations to respect and obey during the whole time of their residence there, and if they suffer injuries they are under the absolute necessity of seeking redress therefor, according to the usual legal methods, before the competent courts of the nation. They are not to have immediate recourse to diplomacy or to prefer international complaints unless they have exhausted all ordinary methods.

In cases in which they think that they have ground for a complaint against the Government for offenses received from public officers, with the sanction or approbation of the Government, or in pursuance of its orders, they must have recourse to the high federal court, which is a tribunal in every respect equal in its attributes and powers to the United States Court of Claims, and the same methods are to be pursued as in this country. Just as in this Republic, recourse to the Department of State would be considered irregular in the case of any injury done the citizens of another nation with a view of securing pecuniary compensation and the punishment of the parties implicated in the offense, without taking the trouble to have recourse to the courts of justice, or to present sufficient proofs or anything more than a simple statement of the party, so is such a proceeding considered by the laws of Venezuela. Such is likewise the doctrine of the United States, es-

pecially in regard to the exclusion of diplomacy in cases in which the cognizance of such cases belongs to the courts of justice. This was claimed by his excellency Mr. Seijas, minister of foreign relations, in his note to his excellency Mr. Baker, bearing date of August 23, 1881, which was recently published here, and the arguments of which I think proper to reproduce at the present time.

Attorney-General Randolph, in his report in relation to the case of Pagan, a British subject, February 22, 1792, confirms my statement in regard to abstention from recourse to diplomacy in cases which properly belong to the courts, and both in this and the other matters to which I have called attention he is in accord with Webster, who in the case of the New Orleans riot in 1851 refused indemnity to Spanish citizens and only allowed it to the consul of Spain in view of his special character.

The aforesaid note mentions the observations of Attorney-General Cushing in the case of the bark Eliza, May 27, 1855, in which he shows that the United states are not responsible for the failure of an American pilot who caused it to run aground, and shows that every country has power to legislate in regard to the condition of foreigners, and to compel them to obey the laws, as well as the duty to observe international rules towards the Spanish American states, with respect to which he says:

> Great Britain, France, and the United States have assumed on various occasions rights of intervention in behalf of their subjects or citizens in those countries which none of us would tolerate in our own country, in some cases through necessity, and in others with very doubtful discretion or justice. This has aggravated the evils of misgovernment there, as will palpably appear to any one carefully studying the international condition of the Republics of South America.

The reflections which I have just made render it unnecessary for me to demonstrate to your excellency that if Venezuela, in the matter of the claims of foreigners residing in her territory, whether permanently domiciled or not, considers them as being subject to its laws, and allows them the same means of redress that it does to its own citizens, following the example of the laws and practices of the United States, it cannot be said that that country has devised any method peculiarly its own that is not based upon the law of nations and upon the practices of this great Republic, in order to debar foreigners who have suffered injury from having recourse to the diplomatic intervention of their respective Governments, and to compel them to submit their complaints to the competent local tribunals.

Suppose, your excellency, that during the excitement consequent upon the discovery of gold in California, whenever an injury was done to one of the many foreigners who rushed to that distant region, the diplomatic ministers of the nations to which the aggrieved parties belonged had addressed the Department of State, demanding pecuniary redress, such as is asked in the present case, and the punishment of the delinquent, even though the latter had been a police officer of the place, having charge of purely local matters. If this would have been inadmissible at that time, and is so now, has been, and will ever be so in this country, there have not been wanting those who have sought to impose it upon the Spanish American Republics. All have hitherto resisted it by themselves alone, and all have endeavored to protect themselves by their laws, to the extent that some have endeavored to establish as a constitutional rule the principle that foreigners shall be subject to the laws of the country receiving them into its territory. The rule being one of international law, it seems scarcely necessary to men-

tion it in the laws or constitutions, save for greater clearness and definiteness.

Nothing would be more dangerous than to allow to foreigners the privilege of burdening a nation with enormous international payments for every injury received by them or to relieve them from the obligation of having recourse to the courts to establish the truth of their allegations and the real rights of the parties. Your excellency will admit, with my Government, that foreigners entering the territory of a nation cannot claim greater or more important concessions of individual liberty and of local protection than the natives themselves, and that there would be no reason to impose upon it the burden of a more special guarantee because of any accident to those who, retaining their foreign nationality, reside in the republic. It is impossible to deny the principle of jurisprudence which extends the protection of a government to its citizens whithersoever they may go.

It is, however, to be understood that such protection in nowise relieves them from the duties and obligations contracted by them, particularly from that of obeying its laws, since two opposing sovereignties be admissible at the same time. In such a collision the sovereignty of the place would naturally have to be recognized, because a foreigner could never arrogate to himself more favorable conditions than the native in his own home. In the case of the present claim it cannot be said that there has been any denial of justice, because what has not been asked cannot have been denied. The complainant has not appeared before any Venezuelan court asking for the punishment of the party who injured him, or for the pecuniary redress of his wrongs. On the contrary, as soon as he was released on the ground of the insufficiency of the charges of G. Patroni who caused his arrest, and who was likewise an American citizen, he at once addressed the consul of the United States in the capital of the State, instead of having recourse to the courts. He next went to the island of Trinidad, whence he requested the United States minister at Caracas, by letter, to cause the Government of Venezuela to pay him an indemnity of $50,000. He then came to the United States, where he continued urging the Department of State, and afterwards the American Congress, to procure for him an indemnity of $250,000 for the injury suffered by him and for the Venezuelan Government's delay in making payments of the first claim.

Where constitutional powers are divided as they are here, the Executive is not the proper officer to hear the complaints of private citizens, whether native or foreign. They must substantiate their claims before the courts specially charged with the administration of justice, and of the forms, without which there is no possibility of discerning facts or law. I have not studied or had an opportunity to render myself thoroughly familiar with the cases cited by your excellency of the damages claimed by French citizens, and am consequently unable to appreciate their resemblance to the present case.

When I said, in my note of February 11, that Venezuela had been obliged to raise a barrier to the ruinous abuses introduced as diplomatic claims, I cannot have stated that it had had recourse to any other methods than to the sound principles of public law in the same manner as other powers; still less that it had disregarded the rules of conduct which should be observed by all members of the great family of nations.

The argument that its courts had not furnished an adequate remedy to foreigners for injuries suffered by them could scarcely be admitted in any State.

In the case in question the claimant did not appear for the purpose of demanding the punishment of the party who had injured him, or the pecuniary redress to which he thought himself entitled, before any Venezuelan court. If such a thing should occur here, and if, when the case was commenced before a court, the injured party had not appeared, no one would consider as a denial of justice the declaration of such a court that there was no ground for the continuance of the case owing to the lack of an interested party and of the *corps du délit.*

When this happened, owing to the absence of the aggrieved party, both the President of the State of Guayana, where the case occurred, on which Wheelock's claim is based, and the President of the Republic, took, each, in his turn, all measures within the sphere of their powers to secure the arrest and punishment of the offender.

Notwithstanding the absence of Wheelock, the aggrieved party, and of the difficulty of proving his statements, as he admits in his published letters, and as is admitted by all, sufficient evidence was secured after a most persistent and very careful investigation, to justify the courts in ordering the arrest of the offender and the seizure of his property.

No pains have been spared by the Government to bring the guilty party to justice, yet he has succeeded in effecting his escape. The good name of the Republic, and a solemn conviction of what was its duty, rendered this a task that had to be performed.

The means are not yet exhausted, most excellent sir, which have been and which will be used by Venezuela until the culprit is brought to justice. From the very outset, however, my Government has deeply regretted to be obliged to differ from that of your excellency in respect to pecuniary indemnities due from it on account of injuries done to individuals by persons not acting under its orders, much less with its sanction or approval. In my humble opinion, it is only in cases in which subordinates act in pursuance of the orders of their Government or with its approval, that their acts render the nation responsible to foreigners and to foreign Governments. An act performed by a public officer, especially by a mere commissary of police, whose grade is the lowest in the municipal and local department, entails no obligation of an international character, unless the officer obeys, in the performance of such act, orders received by him from his Government. Although this circumstance, in your excellency's opinion, is entitled to no consideration, I am glad to see that the fact is acknowledged that my Government neither ordered, sanctioned, nor had the slightest knowledge of the outrage which is the basis of this claim.

If his Excellency the President of Venezuela has pointed out the proper course for the aggrieved party to pursue, and has not himself brought the case before the courts of justice, he has taken this course for the sole purpose of pointing out the real means of redress furnished by the laws in such cases.

I do not think that this case has by any means reached what may be considered as a denial of justice, for the reason which I have already stated, *i. e.*, that there can be no denial where there is no petition. The applications which have been made by the complainant to the authorities of his nation will doubtless be considered as a petition, as will also the demands made by the United States Government of the ministry of foreigns relation of Caraças and of the president of the State of Guayana, who have done and are still doing all in their power to bring the guilty party to justice as a criminal; because, as regards pecuniary redress, it was scarcely necessary to tell officers of a republican government, where the attributes of the various administrative branches are

perfectly well defined, that *that* was a matter with which they had nothing to do, and that if the party interested desired to obtain the amount claimed by him, it was necessary for him to bring his case before the courts of the country, just like any other private individual.

When the national Government was addressed, at the beginning of the controversy, in relation to the indemnity claimed in this case, his excellency Mr. Saavedra informed the diplomatic representative of the United States at Caracas, in his note of August 24, 1880, that the nation was not bound to pay any indemnity. In the concluding portion of the published translation of that note, the following passage occurs:

> The Government thinks that, if there has actually been a crime, the obligation of the Republic is satisfied by the judgment and punishment of its authors, and *that it would not owe pecuniary indemnification to the offended.*

As it is not customary in this country to have recourse to the Executive for the redress of grievances or for the substantiation of cases in which private individuals are concerned, and as the courts are open to both natives and foreigners in Venezuela, without restriction, it can be said neither there nor here that the Executive dispenses or denies justice, in a forensic or international sense.

It seems superfluous to remark that the adverse decision of the courts cannot be considered as notorious injustice, when there is no absolute evidence of the sufficiency of the proofs presented. Nothing of the kind occurred, however, or could occur, for the reason that the party interested, whose presence was necessary in a case in which pecuniary indemnity was claimed on account of personal injury, left the place a very few days subsequently to the perpetration of the outrage, without bringing his case before the courts at all, so that a petition which was never presented cannot have been denied.

I regard as inadmissible the conclusion, in the note now under consideration, that there have been three repeated denials of justice, because, in the case of the proceedings instituted against Eusebio Sotillo, the accused, who was prosecuted on a criminal charge, declarations were made by the inferior courts to the effect that there was not sufficient cause for his arrest or for the continuance of the case. Is there anything strange in this, when the injured party absented himself and declared it impossible to secure proof, as he did in the concluding portion of his letter to Consul Dalton? He there says:

> I should have gotten you proofs of the above facts in affidavits, but the principal torture was inflicted in the woods, where every one was carefully kept back except the few peons and the interpreters, all of whom have such a fear of Sotillo that it is difficult to get them to swear to the truth.

What the party interested found it impossible to do cannot have been an easy matter for the government of the state or for that of the nation.

The efforts of the Venezuelan authorities were really most laudable, since they obtained evidence sufficient to justify the arrest of the accused, although this being done, it became necessary to suspend the proceedings until his arrest should be effected, since the laws of Venezuela do not allow a person to be tried *in contumaciam*. I think I have answered by the foregoing your note of the 4th instant relative to the case of Wheelock.

As this matter is now before the House of Representatives, your excellency might transmit my communications to that honorable body, together with the letter of his Excellency President Guzman Blanco, on the subject of this claim, so that all its phases may be made known.

I avail, &c.,

A. M. SOTELDO.

No. 471.

Mr. Frelinghuysen to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, April 25, 1884.

Sir: I have had the honor to receive your note of the 10th instant in relation to the claim of Mr. John E. Wheelock against Venezuela.

After a careful consideration of your arguments, I am obliged to relinquish the task of refuting them in detail. The groundwork on which they rest being fallacious, the whole argument falls. You proceed on the assumption that the high federal court, to which it is assumed that Mr. Wheelock should have in the first instance submitted his claim, is a tribunal in every respect equal in its attributes and powers to the United States Court of Claims, and from this you infer that the jurisdiction of the two countries in this particular is identical, and that Venezuela prescribes for the injured alien the same judicial resorts as do the United States.

The Court of Claims, however, permit me to say, has no jurisdiction of the cases of aliens making claims of the nature of Mr. Wheelock's. It has only jurisdiction of alien claims founded on statute or contract. There is no tribunal here which is competent to render judgment against the United States for personal damages occasioned by the act of a federal officer.

As I stated in my note of the 4th instant, those are matters for diplomatic settlement, and in default of agreement thereon by friendly arbitration.

I observe also that you take exception to my statement that the Government of Venezuela does not recognize the right of this Government to have recourse to diplomacy in order to secure the redress of a wrong suffered by one of its citizens who has been maltreated under circumstances of peculiar cruelty. Permit me to remind you that the representations of this Government have uniformly been confined, as a demand, to asking the execution of Venezuelan law against the aggressor.

Your Government claims that there has been no miscarriage of justice in the case. We think and aver that at every step of the case there has been an evident miscarriage of justice. As to the claim for indemnity, we have not demanded a fixed sum. We have diplomatically represented to Venezuela that the circumstances appear to fully warrant the expectation that a tender of compensation for the wrong suffered will be voluntarily made to Mr. Wheelock.

Your Government pays no heed to this temperate and just suggestion, so put forth, and attempts to relegate the sufferer to the courts of the country. This seems to be a practical denial of the diplomatic recourse even for the amicable settlement of a question which this Government felt reluctant to press to the graver stage of a positively formulated demand for indemnity.

It has been the consistent effort of this Government, in dealing with this case, to keep the channel of diplomatic adjustment open. If it be closed by the Venezuelan Government denying our recourse thereto, our regret would be most keen, but at the same time the responsibility would not be ours.

This further correspondence in the case will now be submitted to Congress.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 472.

Mr. Frelinghuysen to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, May 2, 1884.

SIR: In compliance with my request you were so good as to favor me with an interview this morning, when I took occasion to advert to a recent occurence at Ciudad Bolivar, whereby Mr. John Dalton, the consul of the United States at that point, together with some twenty other persons of that place, had been by an executive order of his excellency President Guzman Blanco, subjected to three days' incarceration in the military barracks, and I expressed to you the painful effects which such action would impose upon the Government of the United States if it were found that such an arbitrary proceeding had in fact been enforced against any citizen of the United States, especially one holding a consular appointment under our flag.

You were pleased to state the facts of the occurrence as they had been communicated to you. Briefly, a recent federal law of Venezuela has granted certain extensive rights and usufructs over tracts of unoccupied Government land to a foreign citizen or association, the grant carrying with it commercial privileges at Ciudad Bolivar; a number of respectable residents of that city, among them Mr. Dalton, joined in signing a protest against the provisions of this grant. The language of the protest is said by you to have been severe and in effect subversive of the law, which the signers were bound to obey and respect; and moreover, the petition or protest was printed in the local papers before it reached the Government at Caracas; in view of all which you say the Venezuelan Executive adopted a recourse allowable in that country and undertook to enforce respect for the laws by ordering the military arrest for the constitutional term of three days, of all those who by their action had shown disrespect to the law and the Government.

It seems that Mr. Baker has already addressed a remonstrance to the Venezuelan secretary for foreign affairs, and elicited from Mr. Seijas an unsatisfactory reply.

From your statement of the occurrences, I must consider Mr. Baker's remonstrance to have been warranted by the facts, and I deem it my duty to say also to you, as the accredited representative of Venezuela, that this Government would and does feel bound to protest against any summary act of the Executive of Venezuela, whereby any citizen of the United States may have been, or may be, subjected to military condemnation and sentence to any term of imprisonment, however brief, without due form of trial and opportunity for defense under the treaty of 1860, and under the accepted principles of international law.

It is sincerely hoped, however, that the executive order of President Guzman Blanco will not be found to have been enforced against any citizen of the United States. Until that material fact is known, I reserve further comment in the matter.

Accept, &c.,

FRED'K T. FRELINGHUYSEN.

No. 473.

Mr. Frelinghuysen to Mr. Soteldo.

DEPARTMENT OF STATE,
Washington, October 20, 1884.

SIR: I have the honor to invite your attention to the claim of Mr. John E. Wheelock, which has long been pending. In this connection I beg to refer to the conversation upon the subject had with General Guzman Blanco, when lately in this city, and to the Department's expectation that you were to be instructed to tender suitable reparation to Mr. Wheelock without prejudice to the real liability of Venezuela.

Permit me to ask, therefore, whether you are prepared to come to a definite understanding in regard to this matter, as the President greatly desires to dispose of it, if possible, before the reassembling of Congress in December next.

Awaiting your response, I avail, &c.,

FRED'K T. FRELINGHUYSEN.

No. 474.

Mr. Soteldo to Mr. Frelinghuysen.

[Translation.]

LEGATION OF THE UNITED STATES OF VENEZUELA,
Washington, October 21, 1884. (Received October 21.)

MOST EXCELLENT SIR: I have the honor to acknowledge to your excellency the receipt this evening of your letter of yesterday, calling my attention to the long pending and still unsettled claim of Mr. John E. Wheelock; to the conversation held upon the subject with his Excellency General Guzman Blanco, during his recent visit to the Department of State, and asking me if I am prepared for the definitive settlement of the case, it being the desire of the President of the Republic to have it settled before the meeting of Congress in December next.

I have the satisfaction to tell your excellency in reply, that my Government promises to send me by the next mail steamer instructions which, concerning this case of Mr. Wheelock and all others pending, I solicited without loss of time after the conferences with his Excellency General Guzman Blanco. Unfortunately my letters reached Caracas when the season scarcely permitted attention to matters urgently imperative, not to be set aside.

For my part, I earnestly desire the early settlement of this case.

I am, &c.,

A. M. SOTELDO.

ALPHABETICAL INDEX.

A.

Page.

Argentine Republic: Congress adjourns; failure of measure to consolidate debt in 5 per cent. bonds; great agitation over bill introduced and passed in the House and defeated in the Senate by one vote, to prohibit the teaching of religious dogmas in the common schools 1
opening of railroad in Santa Fé 1
Congress meets: President's message; encourages immigration; extension of railroads; peaceful foreign relations; improvement of financial and commercial condition; growth of common schools 2, 3
conflict between church and state; authority of the Government asserted by the President 3, 4, 5, 6
proceedings in Congress; either chamber may insist on passage of a bill after it has been disapproved by the other, in which case it becomes a law, unless two-thirds of the disapproving chamber again reject it 4
liberal and clerical parties in Congress 4, 5
Adriana. (See Mexico, and Caleb, George.)
Agriculture: in Belgium 24
Aguero, Carlos: Cuban refugees; departure from Key West, &c. 493, 502, 504, 505, 521
Alert. (See Greely Relief Expedition.)
American Bible Society: agents of, obstructed in Greece 260
sale of Holy Scriptures in Turkey 565, 567, 568, 569, 761, 574
American citizens: attacks on, at Hamadan, Persia 399
in Peru 407
attacked by brigands in Armenia 532, 537, 542, 544, 548, 550, 558, 563, 565
Anarchists: expulsion from Switzerland 529
Armenia: attack on Messrs. Knapp and Reynolds. (See Turkey.)
Austria-Hungary: Anton Wurglitz and sons; claimed for military service .. 6–9
Vitus Taxacher; released from military service 9, 10
Mormon proselytizing; measures against 10, 13
public debt 13
general budget for 1885 ..... 15, 18
action of local authorities at Pittsburgh in ordering Austrian consul to take down his flag; explained 18, 20

B.

Bartholdi: Statue of Liberty 157–164
Belgium: trichinosis, &c., in German pork; extract from "Independence Belge" 21
marriages of Americans and other foreigners in Belgium 22, 23
American and other foreign grain; proposition to tax, strongly opposed. 24–26
Bert, M. Paul: opinion concerning admission of American pork into France, and concerning trichinosis 138
Bolivia, failure of truce between Chili and 419, 422
Brazil, slavery in: liberation of slaves in the province of Ceará, and history of the slave traffic 27–30
monastic orders; law ordering that their real property be sold and the proceeds invested in national stock 31
efforts of Government to encourage foreign immigration; status of immigrants 32–34
Breidenstein, Friedrich: claimed for military service in Germany; American minister refuses to interfere; action approved 192, 195

C.

Page.

Cables: refusal to permit Commercial Cable Company to land in France, except on certain conditions 141, 150, 164
report of privy council of Canada on projected cable connecting Canadian Government telegraph system near Victoria, Vancouver Island, and Point Angelos, Washington Territory; permission asked to land in Washington Territory; refused, unless certain conditions were complied with 230, 236, 238, 249, 254
ocean cable project between Portugal and the Azores, and thence to America, Great Britain, &c 448
Caceres: account of his forces, &c., in Peru 424
Caleb, George, imprisoned in Mexico 344, 346, 363, 371
Canals: difficulties in construction of Panama Canal 119
concessions of territory to canal company in Colombia 124
Panama Canal Company purchases controlling interest in Panama Railway Company 121
Canton: obstruction of port of 66, 96
Canton riots 46, 47, 52, 79, 103
Cattle tax at Key West 468, 474, 500
Central America: the Republic of Salvador promulgates a new constitution; religious liberty guaranteed; presidential term four years, without restriction as to re-election 34, 35
constitutions of Salvador and Guatemala compared; apparent discrimination against foreigners; explanation of minister of foreign relations of Salvador 35
Limon made a free port by the Costa Rican Congress; subsequent repeal of the law; correspondence on the subject 38
Chew Heong, case of: habeas corpus, to test acts of Congress of May, 1882, and 1884, in connection with treaty of 1880 with China 117
China: riotous demonstrations against foreigners at Canton 46, 47
petroleum trade; disposition of the Chinese Government to encourage; governor of Canton grants to a local company the monopoly to sell, and imposes a tax on the sale; efforts to secure removal of this tax 48, 84
Canton riots: losses of foreigners by destruction of their property; concerted action of foreign ministers to induce the Chinese Government to submit the matter to arbitration; incendiary proclamation of the imperial commissioner Pang; attack on a Christian chapel 52
rupture with France; obstruction of Chinese ports 64
suffering in the northern provinces, owing to floods and failure of crops 64
correspondence relating to the obstruction of the port of Canton 66, 96
adjustment of claims for destruction of missions in Canton and elsewhere. 79
complications with France 88, 95, 104, 105
American missionaries at Chinaufoo; settlement of grievances 91
refusal of Chinese officials in the interior to recognize transit passes; attempts by American citizens to make improper use of such passes 96, 100, 101
Chinese merchants permitted to land at San Francisco 99, 100, 112, 113
convention between China and France 101, 102
payment by the Cantonese authorities of a claim for losses during the riot of September, 1883 103
refusal of customs authorities at San Francisco to permit Chinese laborers bound for British Columbia to land temporarily 103, 109
certificates to Chinese merchants, travelers, students, &c., in the United States 105, 113
case to test effects of subsequent acts of Congress on treaty of 1880 117
Chinaufoo: grievances between missionaries and Chinese authorities 91
Chinese immigration: restriction on, in Hawaiian Islands 281
Chinese laborers: not permitted to land at San Francisco 103, 109
transit of, across territory of United States, to British Columbia 103, 113
Chinese merchants: certificates to 106, 112, 114
Church and state: conflict between, in Argentine Republic 3, 5
in Brazil 31
in the Republic of Salvador 34
Citizenship: in Austria-Hungary 7
in Venezuela 596
case of Alfred P. Jacob, in France 135, 139, 145, 148, 180
case of John B. Faichat, in France 145, 174
status in France of naturalized American citizens of French origin 176
German cases 206, 210

Page.

Citizenship:
Irish cases 216
case of Peter Lucas, in Spain 467
(See Expatriation; Naturalization.)
Claims Commission: French and American 183, 186
Colombia: Panama Canal; difficulties in construction 119
controversy between Colombian Government and the Panama Canal Company, resulting from purchase by the latter of controlling interest in the Panama Railway Company 121
concessions of territory to the canal company 124
Commerce: of Argentine Republic 3
with Cuba 471, 476, 483, 486, 496, 503
Commercial Cable Company. (See Cables.)
Commercial intercourse with Sweden and Norway 526
Communism: in Europe, and particularly in Germany 188
Constitution of Portugal: proposed revision of 447
of Switzerland; provision defining and limiting the powers of the Federal Assembly 531
Consul: request of Spanish, at Baltimore, to be furnished with periodical certificates of cargoes of sugar, &c., imported from Cuba and Porto Rico; not complied with 485, 492, 503
Consular tariff, Spanish: promised reforms in 488, 491
Corea: presentation at court 124
special mission to the United States 125, 126
sluggishness of commerce 126
invitation to the officers of the United States ship Trenton to visit the capital as the guests of the Government 127
proposed establishment of a mission school at Seôul 127, 128
Costa Rica: action of Congress with respect to making Port Limon a free port 38
Cuba: embargoed estates claims 487
import duties collected in custom-houses 480
condition of slavery 466, 470
commercial relations 471, 476, 483, 486, 496, 513
remission of portion of delinquent taxes, and acceptance of depreciated war currency in payment of balance; methods of Spanish Bank of Havana 498, 499
alleged sending of armed expedition from the United States 504, 507, 510, 517, 519, 521
alleged sending of explosives from the United States to 509, 512, 514, 517
Cuba and Porto Rico: commercial relations of United States with; revocation of fifth article of royal decree of March 12, 1867, relating to duties 468, 471
agreement for improvement of commercial relations with United States 472, 476, 483
Cuban refugees in United States 493, 502, 504, 505, 521
rumor of intended violence by, against Spanish consul at Key West 505, 513, 514, 515, 518
Customs regulations, Spanish: "bases" for proposed reforms 491

D.

Dalton, U. S. consul at Ciudad Bolivar. (See Venezuela.)
Daylight. (See Schooner Daylight.)
Debts, public: of Austria-Hungary 13
of Argentine Republic 1
Duties: imposed by Spain on merchandise proceeding from the United States under Spanish flag 468–470
acceptance of United States coin in payment of duties in Hawaiian Islands 266, 275, 288, 292

E.

Education: progress of, in Argentine Republic 1, 2, 3
in Portugal 438
proposed establishment of mission school at Seôul 128
Egypt. (See Mixed tribunals.)
Emancipation: in Brazil 27, 32
Embargoed estates claims: in Cuba 487
Estates in England, unclaimed: fraudulent schemes in relation to 224–229

Page.
Expatriation: status of naturalized American citizens of French origin in France 176
of German origin, in Germany 190, 192, 194, 195, 199, 200, 206, 210
under constitution of Guatemala 35
case of Vitus Taxacher, in Austria-Hungary 9
attitude of French Government; general discussion of subject 176
case of John R. McCormack, in Ireland 216
in Russia 451
expatriated American can resume his American status only by becoming naturalized 451
requirements of Swiss law 532
law as to citizenship 596
in Venezuela. (See Citizenship; Naturalization.)
Explosives: alleged sending of, from the United States to Cuba ..... 509–511, 512, 514, 515.

F.

Famines: in the north of China 64
Ferry privileges between the United States and Canada 243, 250, 255, 256
Finance: in Argentine Republic 1
general budget in Austria-Hungary for 1885 15
new loan in Greece 257
Hawaiian Islands; acceptance of United States coin in payment of customs duties 266, 275, 288, 292
native coinage 278, 286
report of minister of finance of Hawaiian Islands 284
résumé of condition of Portugese finances and of the "ordinary budget" for 1884–'85 443
success of new 5 per cent. gold loan in Russia 449
Fishery treaty, between the United States and Great Britain; proposed revision of 214, 251
Foichat, John B.: arrested in France; naturalization case 145, 174
Foreigners: discrimination against, in Central America 35
riotous demonstrations against, at Canton, China 46, 47, 42
transit passes in China 96
order of Russian Government to railway companies to give notice to employés of foreign nationality to become Russian subjects or to leave their service 450
passports in Cuba 482, 486, 490
expulsion of anarchists from Switzerland 529
France: prohibition of the free importation of American pork; inspection required, &c 128, 136, 141, 185
case of Alfred P. Jacob; claims exemption from military service 135, 136, 145, 150
permission to Commercial Cable Company to land on the coast of France 141, 150, 164
case of John B. Foichat 145, 174
the Statue of Liberty 157
naturalized American citizens of French origin; their status in France 176
France and China: complications 88, 94
treaty 101
duties of neutrals 103
French and American Claims Commission: case of G. A. Le More *v.* The United States 183, 185, 186

G.

Garrido, Eugene V., injuries sustained by, at Port au Prince, September 22 and 23, 1883 ..... 317, 326, 331
Geist, Dr. G. W.: naturalized American of German origin; status in Germany 195
Germany: socialism 188–190
cases relating to American citizenship 190, 192, 194, 195, 199, 200, 201, 206, 210
opening of the Reichstag; speech from the throne 191
consumption of pork 193, 196
Mormon missionaries; compelled to leave Bavaria 198, 202, 203
emigration
military cases
(Winnelhausen, Broom, Bendixen, de la Roi, Lang, Friedrichsen, Bradersen, Held, Gerson, Kubis, Nagel, Reupert.)

Page.
German pork: discovery of a new parasite in 21
(See Pork; Meats.)
Grain: competition of American and other foreign, in Belgium, with the native product 24
Great Britain: correspondence in reference to the termination of certain articles of the treaty, May 8, 1871 214
gift of the Alert to the United States Government 215, 216
McCormack, John R., question of expatriation 216
duty on kerosene oil in Ceylon 219
Mormon missionaries at Calcutta 223, 224
unclaimed estates in England; fraudulent schemes 224
landing of cables in the United States and Canada 229, 236, 238, 249, 254
slaves said to have been purchased from an American citizen in Zanzibar, captured and freed by the King of Johanna 233, 237
burial at Yokahama of a seaman who had been discharged from the United States Navy; expenses defrayed out of the British consular chest; question as to citizenship 233, 240
proposal to remove certain Sioux Indians from the northwest territories back to the United States 234, 236, 239
mixed tribunals in Egypt 235, 237
case of lynching in British Columbia said to have been committed by persons from the United States 241, 245, 252, 254
ferry privileges between the United States and Canada 243, 250, 255, 256
fishery treaty; proposed revision of 251
rescue of Greely; congratulations of the Queen 253
labor traffic in the Western Pacific islands 253, 254
Greece: importation of American pork; prohibition of, and subsequent removal of the restriction 257, 259, 260, 264
a new loan contracted by the Government 257
sale of Bibles by agent of American Bible Society; interference with 260
Greely Relief Expedition: gift of the Alert by British Government 215
congratulations of the Queen on rescue 253
Guatemala: provisions of new constitution affecting citizenship 35
Gustavus, Adolphus: celebration in Sweden of his victory and death at Lützen 522

H

Hausding, Ludwig: passport refused by American minister at Berlin 201
Hawaiian Islands: social condition; vital statistics 265
transportation of Chinese laborers: transfer of exclusive permission from the Pacific Mail to the Oceanic Company; exclusive privileges opposed by the United States 265, 276, 279
financial measures; report of minister of finance 266, 275, 276, 278, 284, 286
restriction of Chinese immigration 281
general commercial condition 285, 292
customs duties; law requiring payment to made in gold coin of the United States not enforced; treaty of 1875 ..... 286, 288, 289
Pacific Mail Company declines passenger and freight traffic between San Francisco and the Hawaiian Islands; supposed reasons therefor 287
Hayti: President Salomon requests the diplomatic corps at Port au Prince to treat a vessel called La Patrie as a pirate; request refused; action approved 293, 297
bombardment of Jacmel; rights of American citizens 295, 296, 297
troubles at Port au Prince; indemnity for losses suffered by foreigners in consequence of the events of the 22d and 23d of September, 1883 ..... 298–301, 311, 320, 329, 331
Van Bokkelen, C. A.; arrest and imprisonment at Port au Prince 306, 320, 329, 330, 335, 336
message of President Salomon: disturbances at Port au Prince September 22 and 23, 1883; finances 309

I.

Iglesias government in Peru: recognition of 420, 423
Immigration: encouragement of, in Argentine Republic 2
in Brazil 32
(See Hawaiian Islands.)

Page.

Indians: proposed removal of certain Sioux from Canada back to the United States 234, 236, 239
lynching of Indian Lem Tam in British Columbia; alleged to have been done by persons from the United States 241, 245, 252, 254
Islands: dispute with Mexico concerning two, in the Rio Grande, near Roma, Tex 373–377, 379–399
Italy: refusal to permit a naturalized citizen of the United States, who had evaded the laws relating to military service, to return without molestation 336

J.

Jacmel and Jérémie: bombardment of 295, 297
Jacob, Alfred P: claims exemption from military service in France 135, 145, 150
Jacoby, Sigismund: refused passport by legation in Berlin; fraudulent naturalization 196, 197
Jews: naturalized American, in Palestine 535, 539, 543, 549, 551, 560

K.

Kerosene oil: question as to duty in Ceylon 219
Knapp and Reynolds, American citizens: attacked by brigands in America .. 532–535, 537–539, 542, 544, 548, 550, 558–559, 563, 565

L.

Labor: condition of, in Brazil 32
measures for the improvement of the condition of laborers in Germany .. 188
labor traffic in Western Pacific islands 253, 254
Lacazette, Eugene: naturalized American citizen of French origin; notified to leave France 179, 182
Lanciotte, Rev. Father Valentine Theodoro; seeks permission to revisit Italy; refused by Italian Government 336
Lucas, Peter: citizenship of 467

M.

McCormack, John R.: arrest of, in County Tipperary, Ireland 216
Marriage of foreigners: in Belgium 22, 23
Meats: prohibition of free importation of American pork in France; inspection required, &c 128, 136, 141, 185
views of M. Paul Bert as to free admission of salted meats in France 138
French Academy of Medicine favors withdrawal of decree prohibiting importation of American meats .....
consumption of American pork in Germany 193, 196
importation of American pork into Greece prohibited; removal of prohibition 257, 259, 260, 264
(See Pork.)
Meiggs, Henry: his contracts for construction of railways in Peru; action of Peruvian Government 407, 416, 419
Merchants, Chinese: refused permission to land at San Francisco 99
Mexico: case of schooner Daylight, sunk in the harbor of Tampico by the Mexican gunboat Independencia 340, 345, 358, 362, 370, 372
imprisonment of George Caleb, master of the Adriana, charged with violation of customs regulations 344, 346, 363, 371
Walker, H. C., imprisonment of, at Minatitlan 360, 366, 377
dispute concerning jurisdiction over two islands in the Rio Grande, near Roma, Tex 373, 379
Military cases: in Austria-Hungary 9
in Germany 206
Missionaries: settlement of grievances at Chinaufoo 91
proposed establishment of mission school and hospital at Seôul 127
privileges granted to missionaries in Siam 453, 454, 461, 462
attacks on property of missionaries in Canton 58, 80, 91
opposition to American missionaries in Armenia 569, 570, 572, 573, 574
Mixed tribunals in Egypt: circular concerning, addressed to the powers by Great Britain; United States waits for proposal from Khedive's Government; receives such proposal and assents 235, 237

Page.
Monastic orders: sale of realty of, in Brazil 31
Mormons: measures against, in Austria 13
expulsion of missionaries from Bavaria 198, 202, 203, 206
from British India 223
Morteritos, island of. (See Mexico.)
Mossell, C. W., mobbed at Port au Prince during disturbances of the 22d and 23d of September, 1883; indemnity for losses, &c 315. 323, 331

N.

Naturalization: refusal of Italy to permit a naturalized citizen of the United States, who had evaded military laws, to return without molestation. 336
refusal of passport by legation in Germany, to a person fraudulently naturalized in the United States 196, 197
(See Citizenship; Expatriation; Foreigners; Jews; Military cases.)
Neutrality: preserved by Argentine Republic in west coast struggle 2
Neutrals: duties of, during complications between France and China 103

P.

Pacific Mail Steamship Company: complaint of, against Hawaiian Government, respecting transportation of Chinese laborers 265, 276, 279, 281
declines passenger traffic between San Francisco and Hawaiian Islands. 287
Palestine. (See Turkey.)
Panama Canal: difficulties in construction of 119
controversy with Colombian Government respecting a loan 121
concessions of lands by Colombian Government 124
purchases controlling interests in Panama Railroad Company 113
Passes, transit: (see Transit passes.)
Passports: case of Sigismund Jacoby; refusal of passport to, by American minister in Germany 196, 197
regulations concerning, in Cuba 482, 486, 490
Patrimonies, legacies, &c., collection of, in Switzerland, by expatriated natives 530, 532
(See Estates in England.)
Peace, treaty of, between Chili and Peru 416
Persia: cases of American citizens at Hamadan 399, 402
attack on outriders and driver of the American minister 400
Peru: political events 403, 412, 413, 418, 427
interests of American citizens; acts of Iglesias government 407
treaty of peace with Chili 413, 416
contracts for construction of Oroya Railroad, &c.; forfeiture, &c. 416, 419, 422
difficulties between Chili and Bolivia 418, 419, 422
recognition of Iglesias government, presentation of credentials by Mr. Phelps, and renewal of diplomatic relations 420, 423, 424
the Caceres movement 428, 433
murder of Owen Young, an American citizen, by a soldier of the Iglesias government 432, 434
pillage of Trujillo by Government troops 433
attempt of Government to sieze the Trujillo Railroad 418
Petroleum: general regulations in China 48, 84
importation into Turkey 557, 562
Piracy: the Haytian Government seeks to have ship La Patrie, belonging to insurgents, treated as a pirate 293
refusal of United States to do so 297
Pork: trichinosis in German pork 21
interview of Mr. Morton with M. Ferry, respecting importation of American pork in France 136, 142
inspection of American pork in France 143
opposition to importation of American pork in France; prohibition of its free admission; extension of time for free admission 128, 132, 136, 137, 138, 185
ministerial circular in Germany touching danger of consuming raw pork. 193, 196
prohibition of American pork in Greece; prohibition removed 257, 259, 264
(See Meats.)
Port au Prince: disturbances at, September 22 and 23, 1883 309
indemnity for losses suffered by foreigners 298, 301, 311, 320, 329, 331
Port Limon: action of Costa Rican Congress respecting 38
Porto Rico: commercial relations with 471, 476, 483, 486, 496, 503

Page.
Portugal: contract with American citizens for construction of railroad in Mozambique 437, 444
progress in education 438–441
opening of Cortes: speech of His Majesty Dom Luiz 441–443
finances 443–447
proposed revision of the constitution 447
ocean cable project 448
Public debts. (See Debts, Public.)

R.

Railways: construction of, in Argentine Republic 1, 2
purchase of controlling interest in Panama Railway Company by Panama Canal Company 121
decrees of Government of Peru affecting interests of Americans in railways in that country 404, 407, 416, 419, 422, 423
seizure of railways in Peru 412, 418
American citizens contract with Portuguese Government to construct railways in Mozambique 437, 442
railway companies in Russia forbidden by the Government to employ foreigners 450
Reed, Rev. Orville: marriage of, in Belgium; question of law as to foreign marriages 22
Reichard, Augustus: case of citizenship in Germany 210
Religious liberty: in Argentine Republic 3
in the Republic of Salvador 34
Russia: success of new 5 per cent. gold loan 449
order requiring railway companies to give notice to all employés of foreign nationality to become Russian subjects or leave their service .. 450
expatriation 451

S.

Salvador, Republic of: new constitution promulgated 34
Schooner Daylight: sinking of, in harbor of Tampico ... 340, 345, 346, 358, 362, 370, 372
Seamen: burial at Yokohama of a destitute seaman, of British nativity, who had been discharged from the United States Navy; defrayment of expenses out of British consular chest 233, 240
Siam: coming of Siamese embassy to Washington 451, 452, 454, 455, 457, 458
condition of trade 452
privileges granted to missionaries 453, 454, 461, 462
sending of State scholars to United States to be educated 454
description of port of Vladivostock 456
present to United States Government from the Rajah of Tuluban 458, 463
legation quarters presented to United States by King of Siam 460, 451, 463
presentation of credentials of Prince Krom Mun Narès, as minister to the United States 463–465
Slavery: history of, in Brazil; liberation of slaves in province of Ceará 27, 32
liberation by King of Johanna of slaves said to have been purchased from an American citizen at Zanzibar 233, 237
condition of, in Cuba 466, 470
Socialism: in Germany 188
Spain: condition of slavery in Cuba 466, 470
citizenship of Peter Lucas 467
cattle tax at Key West 468, 474, 500
duties on merchandise proceeding from United States under Spanish flag 468
commercial relations of Cuba and Porto Rico with the United States 471, 476, 483, 486, 496, 503
import duties collected in the Cuban custom-houses 480
passports in Cuba 482, 486, 490
Cuban embargoed estates claims 487
revision of Spanish consular tariff 488, 491, 492
Cuban refugees in the United States: case of Aguero 493, 502, 504, 505, 521
remission of portion of delinquent taxes in Cuba, and acceptance of depreciated war currency in payment of balance; methods of the Spanish Bank of Havana 489, 499
alleged sending of armed expeditions to Cuba 504, 507, 510, 517, 519, 521
rumor of intended violence by Cuban refugees against Spanish consul at Key West 505, 513, 514, 515, 518
sending of explosives to Cuba 509, 512, 514, 517

Page.
Steam communication between the United States and Sweden 523
Stern, Oscar: claimed for military duty in Germany 190, 194, 197
Sweden and Norway: celebration of the victory and death of Gustavus Adolphus at Lützen, November 6 522
steam communication between Sweden and United States 523
commercial intercourse 526
Switzerland: expulsion of anarchists 529
collection of legacies, &c., of natives of Switzerland who have been naturalized in United States 530, 532
new constitution 531

T.

Tariff, Spanish consular: revision of 488, 491, 492
Telegraphs: construction of, in Argentine Republic 2
(See Cables.)
Transit passes: China 96, 100
Treaties: termination of certain articles of treaty with Great Britain of May 8, 1871 ..... 214, 251
treaty between China and France 101
of commerce with Turkey 566, 568
Treaty ports: closing of, in China 64, 66
Trichinosis: in German pork 21
erroneous report of Dr. Dettmers concerning American swine 131
opinion of M. Paul Bert 138
deaths from trichinosis, at Emersleben, Germany 193
Trujillo, pillage of 433
Turkey: case of Messrs. Knapp and Reynolds, attacked by brigands in Armenia 532, 537, 542, 544, 548, 550, 558, 563, 565
naturalized American Jews in Palestine 535, 539, 543, 549, 551, 560
criminal prosecutions; case of Dr. Pflaum 544, 564, 567
registration of citizens of the United States 539, 546, 556
difficulties encountered by American citizens and graduates of the American college at Beirut in practice of medicine 553, 561
petroleum 557, 562
restrictions imposed on sale of Holy Scriptures 565, 567, 568, 569, 571, 572, 574
treaty of commerce 566, 568
opposition to American missionaries in Armenia 569, 570, 572, 573, 574

V.

Van Bokkelen, C. A.: arrest and imprisonment of, at Port au Prince 306–308, 230, 329, 330, 335, 336
Venezuela: claim of John E. Wheelock 575, 583, 584, 592, 597, 609
arrest of Mr. Dalton, United States consul at Ciudad, Bolivar 577, 583, 585, 594, 596, 608
law as to citizenship 596

W.

Walker, H. C., imprisonment at Minatitlan 360, 366, 377
Weber, Johannes: question as to naturalization 202
Weniger, Charles: claimed by the German Government for military service 199, 200, 213
Wheelock, John E. (See Venezuela.)
Wurglitz, Anton and sons, claimed for military service in Austria-Hungary 6

Y.

Young, Owen: killed in Peru, by soldier of Iglesias government 432, 434, 437

○